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REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

THIRTY-FIVE VOLUMES.

—(35.—PART I.)—

HISTORICAL MANUSCRIPTS—*continued.*

Session

12 *March* 1894——25 *August* 1894.

VOL. L.—PART I.

1894.

REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

1894.

THIRTY-FIVE VOLUMES:—CONTENTS OF THE

THIRTY-FIFTH VOLUME.—PART I.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

HISTORICAL MANUSCRIPTS (ROYAL COMMISSION)—*continued.*

[C. 7476.] Fourteenth Report, Appendix, Part I. The Manuscripts of His Grace The Duke of Rutland, K.G., preserved at Belvoir Castle, Vol. III. p. 1

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HISTORICAL MANUSCRIPTS COMMISSION.

FOURTEENTH REPORT, APPENDIX, PART I.

THE

MANUSCRIPTS

OF HIS GRACE

THE DUKE OF RUTLAND, K.G.

PRESERVED AT

BELVOIR CASTLE.

VOL. III.

Presented to both Houses of Parliament by Command of Her Majesty.

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1894.

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INTRODUCTION

TO

VOLUME III. OF THE CALENDAR.

THE present volume differs from its two predecessors in that it embraces a much shorter period, and treats of a smaller number of subjects. If, however, it contains fewer illustrations of social and personal history, it deals more fully with important affairs of state.

In the first part of the volume, one of the most important figures is Lord Robert Manners, second son of the Marquess of Granby, the celebrated Commander-in-Chief. His earlier letters to his elder brother were written while he was a lieutenant on board the *Victory* and the *Alcide*, but in January 1780 he was promoted to be captain of the *Resolution*, and, as such, he saw active service. Extracts from several of his letters are given in the Calendar.[1] He took part in the engagement off Cape Henry in September 1781, and he was with Sir Samuel Hood at St. Kitts in the early part of the following year. Shortly after the battle off Dominica, in which the French were defeated, on the 12th of April 1782, Lord Robert writes: "I am as well as a man can be with one leg off, one wounded, and right arm broke. The doctor, who is sitting by me at present, says there are every hopes of recovery."[2] Lockjaw, however, ensued, and thus this promising officer died at the early age of twenty-four, eleven days after the action.[3] His brother, the fourth Duke of Rutland, who entertained a "passionate fondness" for him,[4] obtained the assistance of Richard Watson, afterwards Bishop of Llandaff, and of George Crabbe, the poet, in composing some memoirs of his career, and engaged Sir Joshua Reynolds to paint a posthumous portrait of him, which was afterwards engraved.[5] The nation put up a monument in his honour in Westminster Abbey.[6]

[1] See Index.

[2] p. 52.

[3] p. 53.

[4] Horace Walpole's Letters, vol. viii. p. 377.

[5] pp. 63, 64, 133, 244, 353.

[6] pp. 289, 290.

71589. Wt. 1055.

Lord Robert Manners's letters to his brother are not the only ones in the Calendar which treat of naval affairs, and, under the date of 26 September 1779, there is a description by an eye-witness of the engagement between Paul Jones's squadron and two English ships off Flamborough Head.[1] Considerable interest attaches to Sir Samuel Hood's criticisms upon Sir George Rodney's proceedings after his great victory in 1782.[2]

Military operations in America are described in detail in some letters of the years 1775 and 1776.[3] Some highly coloured accounts of Parliamentary debates are furnished by Captn. George Johnstone in 1777, and Thomas Thoroton in 1780.[4] There are also contemporary notices of the Gordon riots in London and a rebellion at Eton.[5]

Charles Manners, the elder brother of Lord Robert, bore by courtesy the title of Marquess of Granby from the death of his father, in 1770, to the death of his grandfather, the third Duke of Rutland, in 1779, and during the later part of that period he sat in the House of Commons as member for the University of Cambridge. In politics he was a follower of the Earl of Chatham,[6] and, on his succession to the Dukedom, he endeavoured, though in vain, to induce his former constituents to elect the younger William Pitt as their representative. Two letters on the subject from the youthful candidate are printed in the Calendar.[7] The Duke was more successful in his exertions on behalf of his younger brother, Lord Robert Manners, who was chosen for the county of Cambridge in September 1780.[8] His expenses, it may be noted, were estimated at about 12,000*l.*, and those of the other member returned, Philip Yorke, at about double that amount.[9] Elsewhere we learn that the expenses of Sir Sampson Gideon on the other side were "enormous, beyond all belief."[10] William Pitt congratulated the Duke warmly on his triumph, while his future opponent, Charles James Fox, wrote to solicit his support in the Westminster election.[11] John Wilkes also expressed his satisfaction in strong terms.[12]

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[1] p. 21.
[2] p. 53; cf. Wraxall's *Memoirs*.
[3] pp. 2, 6, 7.
[4] pp, 11, 26, 27, 29.
[5] pp. 29, 30, 72.
[6] p. 12.
[7] pp. 18, 19, 30.
[8] pp. 25, 26, 28, 34–37, 46.
[9] p. 37.
[10] Horace Walpole's Letters, vol. vii. p. 402.
[11] p. 35.
[12] p. 36.

Several of the Duke's friends exhorted him at this period to take a prominent part in politics, and thought that he would obtain office in the Marquess of Rockingham's administration.[1] Under Lord Shelburne he received the blue riband of the Garter, almost hereditary in his family, and the staff of Lord Steward of the Household,[2] but he resigned the latter when the Coalition Ministry came into power.

On Pitt's accession to office, the Duke of Rutland became Lord Privy Seal, but he was almost immediately transferred to the more difficult position of Lord Lieutenant of Ireland. A month before his actual appointment, he was informed by a former Lord Lieutenant, Lord Temple, that he must be prepared to spend in Ireland 15,000*l.* a year of his private income in addition to his official salary of 20,000*l.*[3] He was also congratulated by his immediate predecessor, Lord Northington, who, although he had inconvenienced the government by resigning at a critical time, considered himself an injured person.[4]

From February 1784 onwards, the Calendar consists almost exclusively of extracts and abstracts from letters to the Duke of Rutland, and from drafts and copies of his own letters, some of the latter of which were made on thin paper by means of a copying-press. The most prominent of his correspondents was the Prime Minister, and frequent letters passed between the two friends. In 1842, Lord Mahon caused a hundred copies to be privately printed of a small book entitled—*Correspondence between the Right Hon. William Pitt and Charles, Duke of Rutland*, 1781–1787, from papers in possession of the Duke's son and successor. The originals were, it is believed, duly returned to Belvoir Castle, but the greater number of them are now missing. Abstracts of the correspondence might, nevertheless, have been included in this Calendar if the present Duke had not caused it to be reprinted and published in 1890. Under these circumstances, it has been thought sufficient to give the briefest references to these letters, preceded by an asterisk in cases where the original cannot be found. The Calendar, however, includes several letters of this series which,

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[1] pp. 51, 58, 68.
[2] pp. 63, 68.
[3] p. 73.
[4] pp. 75–78.

having been hitherto overlooked, do not occur in either of the printed editions.

A more difficult question has arisen with regard to the correspondence of the Duke of Rutland with Lord Sydney. The official letters that passed between the Lord Lieutenant of Ireland and the Secretary of State, and some of their semi-official letters, are preserved at Dublin Castle, and among the archives of the Home Department in the Public Record Office, and various extracts from them have been given by Mr. Lecky in his *History of England in the Eighteenth Century*. Those, however, which were marked by Lord Sydney as "Secret and Separate," being regarded as the private property of the recipient, are now at Belvoir, and it has seemed best on the whole to print in the Calendar extracts not only from these but also from the drafts of the Duke's letters to him.

It would be impossible within the limits of a brief Introduction to trace the history of Ireland during the Duke of Rutland's administration. He had to deal alike with important legislative projects and with petty appointments under the Crown. At first, the country was in an unsettled condition. The proceedings of the Earl of Bristol, Bishop of Derry, were a source of anxiety,[1] and the volunteers were still a formidable body, composed of dangerous elements.[2] Serious riots occurred in Dublin, partly in consequence of the rejection of a bill imposing protective duties,[3] and the convocation of a National Assembly in the capital might easily have led to trouble.[4] There was, moreover, reason to suspect from time to time that French emissaries were fomenting rebellion.[5] Gradually, however, the spirit of discontent subsided, and, notwithstanding some outrages by Whiteboys in Munster, the Duke's friends were able, in 1787, to congratulate him upon "the unexampled quiet" of the country.[6] Throughout the time, he had the satisfaction of knowing that his general policy was approved by the King.[7]

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[1] pp. 80, 82, 84, 114, 129, 137, 140, 141.
[2] pp. 93, 99, 109, 110, 117, 119, 124, 130, etc.
[3] pp. 86, 88, 90, 93.
[4] pp. 137, 138, 140, 142, 143, 145, 146.
[5] pp. 94, 99, 108, 110, 117, 119, 130, 132, 142, 262, 265, 266, 274, 281, 285.
[6] pp. 378, 395, 403, 410.
[7] pp. 88, 90, 100, 128, 140, 144, 153, 279, 281, 391.

Many of the extracts printed in the Calendar deal with the difficult question of Parliamentary Reform, and with the project for establishing a Protestant Militia in Ireland. Others relate to the ill-fated Resolutions for Commercial Intercourse between England and Ireland, which, it was fondly hoped, would prove "as permanent a junction of the countries as if a bridge was extended from Holyhead to Dublin."[1] When matters of disagreement arose between the English Ministry and the Irish Parliament, the Lord Lieutenant endeavoured to mediate in favour of the latter. He did not, however, entertain a high opinion of the nation which he had been sent to govern, and in a private memorandum he writes—"Here everything is a job and abused; with a few exceptions, from the highest to the lowest, the whole people are an interested, selfish, savage race of harpies and plunderers."[2]

Applications for peerages, pensions, and the like were very numerous, and in connexion with these there is a curious letter from the Earl of Tyrone, who, when asked to choose an English title, replied that he would like to be "Baron Tyrone of Haverfordwest, of St. David's, or Hubberston, these places being all opposite to the coast" of Ireland.[3] This was perhaps scarcely more seriously intended than an application from R. Hobart that his father should be made baron, viscount, earl, and knight of the Order of St. Patrick.[4]

Letters about commissions in the army are not generally of much interest, but there are in the Calendar three from the Earl of Mornington with regard to the prospects of his younger brother, Arthur, the future Duke of Wellington.[5]

Copies of some of Sir Edward Newenham's letters would hardly be found at Belvoir if the originals had not been opened at the Post Office, apparently by the English Government.[6] The Lord Lieutenant considered him "the centre" of treasonable machinations, and the Chief Secretary described him as "a fool and a rogue," whose proceedings ought to be watched.[7]

While the Duke of Rutland was busy with the administration of Ireland, he was also an important factor in English politics. Several members of the House of Commons owed their seats

[1] p. 187.
[2] p. 164.
[3] p. 292.
[4] p. 382.
[5] pp. 355, 364, 377.
[6] pp. 107, 113, 117, 119, 127.
[7] pp. 113, 137.

to his influence, and generally voted according to his instructions, such as Lord Tyrconnel, member for Scarborough, John Sutton, member for Newark, George Sutton, member for Grantham, William Pochin, member for Leicestershire, Daniel Pulteney, member for Bramber, and John Mortlock, member for Cambridge.[1] Some of them, indeed, appear to have been dependent on him for the very means of subsistence. George Sutton, for example, is said to have had "only half a coat," and to have "lain in bed three days on nothing but porter and salad," looking "nearly starved" before his return to Parliament, in April 1784.[2] Pulteney again entered the House of Commons partly with a view to elude his creditors, and partly in the hope of obtaining some lucrative post under Government, in India or elsewhere.[3] It was not without considerable difficulty that he obtained the pecuniary qualification then necessary for membership,[4] and his subsequent letters to his patron abound in applications for reward. Pitt he considered strangely negligent of so steady a supporter, and, in his disappointment, he did not scruple to tell the Lord Lieutenant that his most trusted adviser, Thomas Orde, the Irish Secretary, had been notorious at the University for mendacity.[5] In 1787, he obtained from the Duke of Rutland a loan to enable him to subscribe a quarter of the capital of a Faro Bank, which was to be started with 6,000*l.*, and his letters on the subject illustrate the rage for gambling which then prevailed among men and women alike.[6] When the subject of Parliamentary Reform was under consideration, he declared that he would vote for Pitt's measure in accordance with instructions from his only constituent, but he compared his position to that of "the drunken man in Hogarth who is sawing down the sign-post he sits on."[7] It was not until after the death of the Duke of Rutland that Pulteney obtained a slender reward for his services to Pitt's government, by appointment to the office of Collector of Customs at Roseau in the island of Dominica.[8]

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[1] pp. 97, 106, 112, 125, 128, 143, 169, 180, 186, 194, 209, 217, 220, 223, 282–84, 286, 366, 371, 374, 377–79, 381, 388.

[2] p. 378.

[3] pp. 115, 126, 143, 192, 194, 217, 222, 226, 232, 238, 272, 280, 320, 353, 360, 361, 365, 371, 379, 380.

[4] pp. 92, 95, 98.

[5] p. 379.

[6] pp. 388, 395.

[7] p. 169.

[8] *Return of Members of Parliament*, vol. ii. p. 182.

To Pulteney's ready pen we are indebted for many notices of English affairs during his patron's absence, and specially of proceedings in the House of Commons. Although, as he says, he had "no reason to flatter Pitt," he testifies to his eloquence and prudence, but he observes that the Prime Minister was not always sufficiently acquainted with the opinions of his supporters.[1] After listening to "a speech of five hours and a half, the longest they say ever delivered in Parliament," he expresses a deliberate opinion that Sheridan was, "in point of *speaking*, superior to Pitt, and of course to Fox."[2] A few days later, he writes of another famous orator—"Flood's language is so barbarous to an English ear, his manner of arguing so abstracted and void of illustration, and his *tout ensemble* somehow or other so disgusting, that he fell infinitely below my expectations," and he records that Flood provoked general laughter in the House by a "*real* loss of temper."[3]

The Calendar contains testimony from other correspondents, such as Lord Mornington and Lord Sydney, to the success of Pitt's administration, and it closes with an extract from a letter dated October 17, 1787, a week before the sudden death of the Duke of Rutland, saying—"The conduct of Pitt must stand above all detraction; he has already astonished all Europe by the alacrity of the late armament, and his name as a War Minister is now as high as that of his father ever was."[4]

The fourth Duke of Rutland was an enthusiastic collector of works of art, and he had begun to make considerable purchases even before his succession to the title. Through the agency of Alleyne Fitzherbert, afterwards Lord St. Helens, he secured, in 1779, for about 1,100*l.* a large picture by Rubens of the Coronation of St. Catharine.[5] In the following year, the same friend obtained for him a very fine example of Gerard Dow, now known as 'The Birdcage,' for about 300*l.*[6] Afterwards Sir Joshua Reynolds became his principal adviser and agent in all such matters, and various letters from the great painter to his patron are printed in this volume. One negotiation, in which they were both interested, related to the purchase from the Bonapaduli Palace at Rome of a series

[1] pp. 188, 198, 203, 224.
[2] p. 369.
[3] pp. 372, 373.
[4] pp. 100, 131, 168, 210, 377, 429.
[5] pp. 15, 20.
[6] p. 25.

of pictures of the Seven Sacraments, painted by Nicholas Poussin, in 1636, for the Cavaliere del Pozzo. James Byres wrote on the subject in 1777, pointing out the difficulty of securing them, but in 1785 he reported that they might be bought if "the greatest secrecy were observed." Sir Robert Walpole had already failed to get them removed from Rome, and Byres's plan was to substitute copies for the originals.[1] The palace in which they hung "was visited by all foreigners, merely for the sake of those pictures"; and the Papal Government was said to be "more jealous than ever of fine things going out of Rome."[2] When at last they arrived in England, Sir Joshua Reynolds was much pleased. He told the Duke of Rutland that they were worth double the 2,250*l.* paid for them, and in fact expressed his own willingness to give him 1,000*l.* for his bargain.[3] Before being sent to Belvoir, the pictures were sent for a time to the Royal Academy.[4] Reynolds describes them as "a real national object," and says that they "must be considered as the greatest work of Poussin, who was certainly one of the greatest painters that ever lived."[5] Horace Walpole, who saw them, was by no means so enthusiastic, declaring plainly that Sir Joshua's geese were swans.[6]

From Reynolds himself the Duke of Rutland ordered a number of pictures, chiefly portraits of his friends and relations, and it is unfortunate that most of them perished in the great fire at Belvoir Castle in 1816.[7]

The abstracts and extracts in this volume have been made by Mr. R. Campbell, Mr. R. Ward, and Mr. Walter Fitzpatrick, and most of them have been revised by me. The Index has been prepared by Mr. R. H. Brodie.

I have again to thank the Duke of Rutland for the warm interest which he has shown in the work of this Commission.

H. C. Maxwell Lyte.

December 1894.

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[1] pp. 9, 214.

[2] pp. 222, 236, 244, 258, 268, 310, 312, 343, 346.

[3] pp. 347, 350; Leslie & Taylor's *Life of Reynolds*, vol. ii. pp. 495, 496.

[4] p. 371.

[5] pp. 244, 343.

[6] Horace Walpole's Letters, vol. ix. p. 78.

[7] Cf. Leslie & Taylor's *Life of Reynolds*, vol. ii. p. 283; Eller's *Belvoir Castle*, pp. 126–132.

CALENDAR OF

THE MANUSCRIPTS OF HIS GRACE THE DUKE OF RUTLAND, K.G.

VOL. III.

LETTERS AND PAPERS.

Vol. XXVI.

ELIZABETH, LADY MANSFIELD to her sister [the DUCHESS OF SOMERSET].

1771, May 3.—Concerning a proposal that Lord Granby should leave Eton in October, and mentioning his wish to make a Declamation at going.

J. DIGBY to the DUKE OF RUTLAND.

1771, September 6.—Concerning a deputation of tenants.

SIR THOMAS CAVE to the DUKE OF RUTLAND.

1771, December 19. Stanford.—Interceding for Mr. Wright of Eaton, who says that he is to be discharged from the lands he holds of the Duke because he would have voted for the writer at the last election.

The MARQUESS OF DOUGLAS to the DUKE OF RUTLAND.

1772, June 23. Pall Mall.—Requesting a nomination for the Charter House for Charles Douglas, a son of General Douglas.

DR. E. BARNARD to [the MARQUESS OF GRANBY].

1773, March 21. Eton College.—Acknowledging the present of Lord Granby's picture.

D. PULTENEY to the MARQUESS OF GRANBY.

177–, ———.—Giving a poetical epistle from France.

LEVETT BLACKBORNE to [the MARQUESS OF GRANBY].

1774, October 4. Belvoir.—Intimating that the Duke of Rutland will not accede to Lord Granby's wish to find a seat in Parliament for a friend, Mr. B. *Imperfect.*

LE COMTE DE GUINES to the DUKE OF RUTLAND.

1774, December 27. Paris.—An enquiry as to M. Gerbier. *French.*

The (so-called) Duchess of Kingston to the Duke of Rutland.

1775, May 6. Calais.—Calling to mind the friendship that subsisted between the late Marquess of Granby and Lord Robert Sutton and the late Duke of Kingston and the writer, "his disconsolate and persecuted widow," and asking the Duke of Rutland to become bail for her. *Signed—and the signature struck through with a pen.*

The Same to the Same.

1775, May 16. Calais.—Replying to a letter of the Duke of Rutland, refusing to become bail. "I must have two bail." Twenty-one have offered. "The Duke of Newcastle is to be one." *The signature struck through with a pen as before.*

——— to ———.

1775, June 25. Boston.—"General How with ten of the Grenadier companies, ten light infantry companies, the 5th, 38th, and 63rd regiments, four twelve-pounders, four six-pounders, and four howitzers, landed Saturday, the 17th instant, about noon, on the peninsula where Charlestown is situated, and about a mile to the north-east of it. Soon after, the 43rd, 47th, and 52nd regiments, a battalion of Marines, and all the remaining companies of Grenadiers and light infantry was landed upon the same place. The plan was to take possession of two very advantageous heights which were occupied by the rebels. The first was close on the back of Charlestown, commanded a part of Boston, and had on its top a redoubt, with a breastwork from one of the angles which extended half way down to the water on the north side. The other hill commanded the isthmus leading to the continent, where it is shoal water, and not sufficient for a light transport to ride at anchor. Accordingly four or five floating batteries were ordered to get in as near the neck as possible, in order to annoy the rebels on their retreat, or to prevent them from being fed with troops from the continent. They did not, however, get in so near as they ought, and came away before they could be of use. The consequence was that, by the time General How had put his troops into motion, the enemy had an opportunity of reinforcing themselves, and in less than an hour had got together 7,000 men. The ground on the peninsula is the strongest I can conceive for the kind of defence the rebels made, which is exactly like that of the Indians, viz. small inclosures with narrow lanes, bounded by stone fences, small heights which command the passes, proper trees to fire from, and very rough and marshy ground for troops to get over.

"The rebels defended this ground well, and inch by inch. About the time our people got within a hundred yards of the redoubt, the fire on both sides was amazing, and I think I can venture to affirm that the annals of the last war cannot produce such another. The officers behaved most gallantly. The redoubt was at last stormed, and happily carried. Two officers were killed after they were in it. (I only mention this to show how very obstinate the rebels were.) Above ninety officers were killed and wounded, near two hundred men killed, and three hundred wounded, and most of this in a few minutes.

"The skirts of Charlestown fired upon the left of General How's flanking party, upon which [he] ordered that fire might be set to the town, which was immediately [done] by a carcase from an opposite battery. In half an hour the whole town, which was built of wood, and the wind favouring us, took fire; and by the time the troops were within a hundred yards of the redoubt the flames were at their height.

"General ——— and I were on a battery exactly opposite Charlestown, about half a mile distant, in a line with the redoubt. The rebels had two guns in their work, which they made use of, but all their shot went over our heads.

"Figure to yourself the scene, which we as distinctly saw as heard—viz. on the right our main corps of troops; on the left a continual reinforcement to the rebels across the neck (the place I would have had the floating battery to have staid at); batteries and dispersed men-of-war around sconces, &c., keeping up a constant cannonade. In the centre a large town, in a manner under us, in flames, and above all a strong redoubt, bravely stormed, and almost as bravely defended. We have got a little elbow-room, but I think we have paid too dearly for it.

"The loss of the rebel army cannot be exactly known. They carted away vast numbers of their dead and wounded. They do not choose we should know their loss. This is truly in the Indian style. In looking over the ground, I thought there was above two to one of the rebels killed. We have taken a few prisoners, most of them wounded; and, by different accounts they give, few or none of the soldiers are acquainted with the conciliatory measures proposed. They are kept in perfect ignorance, and the prisoners expected to be put to death by us the moment they were brought into Boston. Bank-notes, value six shillings each, were found in the pockets of some of the killed; they were issued from the Treasury of the Congress, bearing 6 per cent. interest. By their orderly books they seem to have steady people about them, and very proper orders, &c. Their paroles were generally names of towns; but one day they had for parole, Wilkes, countersign Bull, and another day parole Shelburn, countersign Conway.

"We had thoughts of attempting to take possession of Dorchester peninsula, situate on the opposite side to Boston this morning, but, upon more mature deliberation, it is put off till the arrival of the 22nd, 40th, 44th, and 45th regiments from New York. When that is finished, I fancy we shall have done what we can for this campaign. Nothing but expeditions well conserted on their coasts will answer, and Government should send us 20,000 or 30,000 foreign troops for that purpose. The rebels, being drove from Charlestown, have taken possession of a strong hill about two miles from the neck. They have intrenched it well. They certainly have got some good officers from some quarter or other. The garrison is still without fresh provisions, and I think, take it all together, we are in a very awkward situation, but if we had plenty of troops it might alter the case." *Extract.*

The Earl of Sandwich to Lord ———.

1775, September 8. Hinchingbrook.—"I am thoroughly disposed to give every assistance in my power to Mr. Manners, but he cannot, according to the fundamental rules of the Navy, be made a Lieutenant till he has served six years and passed an examination."

[The Duke of Beaufort to the Marquess of Granby.]

1775, September 14.—Concerning the proposed settlement on Lord Granby's intended marriage, and the difficulty of settling his father's "meritorious debts."

LORD ROBERT MANNERS to his brother, the MARQUESS OF GRANBY, at Knightsbridge.

1775, September 30. The *Enterprize*, Gibraltar.—"Should you have a moment free from raving about Lady M[ary] S[omerset], or contemplating on her beauties," I should be much obliged if you would return an answer to these lines. Gibraltar "is without exception the dullest and most disagreeable place I was ever at. I have been but three times ashore, and I do not intend to go again, so I shall have a pretty long confinement aboard, as we shall stay till November. We see daily numbers of Spanish men-of-war passing through the Straits, returning from their late expedition at Algiers, where they lost near six thousand men."

LADY KATHERINE PELHAM to the MARCHIONESS OF GRANBY.

[1775,] December 28. Whitehall.—Expressing satisfaction that Lord Granby's happiness is secured by his marriage [celebrated on the 26th inst.].

The MARQUESS OF ROCKINGHAM to the MARQUESS OF GRANBY.

1776, January 4. Wimbledon.—The result of the election for the borough [of Hedon] was that Watson was elected by a majority of 82. Watson—119, Atkinson—37. It is a pleasing event in every respect. The eagerness of our friends to prevent the borough falling into the hands of the Ministry adds to my private feelings. The three Pudseys were all good men and true. Many thanks to you and to Lord George Sutton. I ought to have begun my letter with some fine-spun compliments on your marriage.

A. FITZHERBERT to the MARQUESS OF GRANBY.

1776, February 4. Naples.—You will find it difficult to guess the name of the wretched outcast who, until this moment, has remained in ignorance of your marriage. Accept, however, my late congratulations. Although not having the honour of being personally known to the object of your choice, "I can assure you that I attribute to myself a very considerable share in this event. The long continuance of our acquaintance will justify, I hope, my having pretended to dive into your character, and, in consequence of my observations upon it, I cannot but think that my having declared Lady Mary S[omerset] to be, in my opinion, the most perfect figure in nature, had its effect upon your ambition, and was in some measure the occasion of the infinite *recherche* of opportunities of seeing and speaking to her, which from that moment you began to make. I suppose you have each erected to the other trophies of your former conquests—on your Lordship's monuments, in hue like Shakespeare's Patience, sit the Danverss, Egertons, &c.; her Ladyship's slaves I will not pretend to enumerate—this country alone, where she is considered as a divinity, would supply myriads. For my part, I have good reason for blessing an event which gives me so good an opportunity of renewing our correspondence." As I remain some time longer abroad, I cannot flatter myself with hopes of a speedy personal introduction to the Marchioness.

The MARQUESS OF ROCKINGHAM to [the MARQUESS OF GRANBY].

1776, February 6. Grosvenor Square.—Giving an outline of the probable business of the House of Commons, and informing him of rumours that Boston had been relieved and Quebec surrendered.

T. Townshend to [the Marquess of Granby].

1776, February 8. Cleveland Court.—Intimating his intention to move an enquiry into the measure of pledging the Parliament of Great Britain to the Parliament of Ireland for the pay of troops removed from Ireland to America, and asking for support for the motion.

H. Grenville to [the Marquess of Granby].

[1776?] March 17. Brussels.—I am happy that your eagerness to become the fortunate possessor of the four pictures of Rubens, which we saw here together, has procured me the honour of receiving a letter from you. I have spoken to Prince Starhenberg on the subject, but I fear your longings must remain unsatisfied; for, far from giving me any hopes that the Emperor would relinquish his object, he informed me that orders were already given for the pictures being packed up and sent to Vienna without delay. "The circumstances of the purchase are made a great secret of by the Prince Starhenberg, but it is whispered in other quarters that His Imperial Majesty does not pay less than 4,000*l.* or 4,500*l.* for them, but the Prince told me, for your consolation, that there are still other very valuable pictures to be disposed of in this country, and had you taken Antwerp in your way to England, you would have found some there very deserving of admiration, and fresh objects of your love." Mrs. Grenville and myself are happy in finding ourselves remembered. We miss Lady Granby and yourself from our society here.

The Marquess of Lothian to the Marquess of Granby, at Belvoir Castle.

[1776,] April 17, Wednesday.—"I saw Lady Granby this morning, who, from having got the better of her cold, is handsomer than ever, and is in hopes of seeing you on Tuesday at farthest. I was at St. James's this morning, and from the solemnity of Lord Suffolk, who made me a distant bow, and the King's taking but little notice of me, I shall conclude some more Whiggish Lord than myself will be nominated to represent our free country. As yet I have not heard from Lord North; when I do you shall know it, as you interest yourself so much about me. This you may rest assured of, that I will not disgrace myself, nor willingly suffer to be disgraced." "The Duchess of Kingston's trial is not yet over."

Edmund Stevens to [the Marquess of Granby].

1776, June 28. *Royal George* Transport.—"We are now within about six hundred leagues of Halifax, the port, as we imagine, to which we are destined, unless we meet with a frigate between this and the land to order us elsewhere." Incidents in the fleet. Duel between Hessian officers on board one of their transports. Early on Sunday morning, July 26, we made the lighthouse on the Isle of Sambro, twelve miles from Halifax.——Sandy Hook, August 12.—After a voyage of fourteen weeks we came to anchor here to-day. General Howe is in possession of Staten Island. Lord Howe and the fleet are at anchor about five miles ahead of us. The rebels have strongly fortified themselves in and about New York. Washington is there, it is said, with a large army, amounting, as we have been informed, to twenty-five thousand men. A few weeks will produce important events.

EDMUND STEVENS to [the MARQUESS OF GRANBY].

1776, September 2. Camp near Hellgate, on Long Island.—"We remained, or rather the army, for we continued on board our transports, on Staten Island till the 22nd of August, when we landed near Utrecht upon this island, without any molestation whatever from the enemy, who retired immediately upon our approach to the shore to the woods upon the heights, along which they immediately made an abattis of three miles or upwards in extent, imagining, or perhaps rather hoping, that they would be attacked in front; but in this they were disappointed, for General Howe, who is beloved to a great degree by his army, by a judicious movement which he made to his right in the evening of the 26th of August, gained and turned their left flank easily in the morning on the 27th; and with the Grenadiers and light infantry of the army, with the 33rd and 42nd regiments, under the command of General Clinton, Lord Cornwallis, and Brigadier-General Leslie, drove them through the woods four or five miles, with great loss on their, but inconsiderable on our, side, into their works, which they abandoned to us without any apparent reason whatever on the 30th of August, and are, as we are candidly informed, proposing to evacuate New York likewise. The loss on our side, killed, prisoners, wounded, and missing, very little exceeds three hundred; theirs, according to the confession of their generals, to upwards of three thousand, and chiefly of their best troops, the New Englanders. Certain it is that the greatest tumults, dissensions, and disorders prevail in their camp. Not two nights ago, the New Yorkers and the Connecticut people quarrelled and proceeded to action, in which near one hundred were killed. In this army, which, for its numbers, is one of the finest that ever was seen, consisting of about twenty-four thousand men, the utmost unanimity, harmony, and zeal for the service uniformly exists. Hessians as well as English are equally zealous for the service, and inveterate against the rebels for the nameless cruelties our prisoners have experienced from them heretofore; and many of the most opulent and worthiest men of their countrymen, who declined entering into their wretched designs and infamous machinations. But I beg your pardon, my dear Lord, for making use of such harsh expressions. I cannot help it; they come from the heart. It is the uniform language of everyone in this army, and which, excuse the expression, it is not impossible but you yourself would indite were you here, and acquainted with the numberless and repeated, unrelenting, barbarous acts of tyranny they have inflicted upon their countrymen. Many of the worthiest and most respectable men are kept chained down to the ground with scarce victuals to eat, or any change of linen."

"I am only in a fly tent, and have neither bed, chair, or table; therefore excuse this scrawl, for I have scribbled it upon my knee."

Postscript.—"Lord Cornwallis is in high estimation in this army. Lord Rawden, whom I see every day, as we are now in General Clinton's corps, to whom he is aid de camp, is likewise well spoken of."

The DUKE OF BEAUFORT to [the MARQUESS OF GRANBY].

1776, October 1. Badminton.—Congratulating him on Lady Granby's safe delivery of a daughter.

EDMUND STEVENS to [the MARQUESS OF GRANBY].

1776, October 24. New York.—Requesting a loan to purchase a step, upon the security of a policy of life insurance.

The Marquess of Rockingham to the Marquess of Granby.

1776, October 30. Grosvenor Square.—Asking him to move an amendment in the House.

The Same to the Same.

1776, October 31. Grosvenor Square.—"Your note has agitated me most exceedingly. I conjure you not to decline moving the amendment: it would be a horrid damp to all our friends, who rejoiced so sincerely in the expectation of your being the mover of this important decisive business. The same load is laid upon me. I feel my inability to execute as well as it ought to be, but I find I must. My good dear Lord, do not decline this business, on which the hereafter fate of this country may depend."

L[evett] Blackborne to [—— Crawford].

1776, November 18. Belvoir Castle.—"Lord Granby hath decamped for St. Stephen's Chappell, where he is gone to add *one* to *a minority*, which, to speak the truth, at this time are rather disconcerted. It seems to me (from some sudden changeable blasts) as if their plan *now* is to veer to the opposite point of the compass, and be very angry at the idea ' of Ministry offering to sacrifice the dignity of the mother nation to any *mean principles of conciliation*' with a foe whom it is plain you can beat whenever you set yourselves heartily about it."

Edmund Stevens to [the Marquess of Granby].

1776, November 26. New York.—Captain Gardiner, who will bring the news of our late successes, will take charge of this letter. I will not attempt to give you an account of what you will see in the *Gazette*. We have an army now in the Jerseys advancing towards Philadelphia under the command of your friend, and, in my poor opinion, good officer, Lord Cornwallis. The brigade of Guards forms part of that army. Tom Thoroton is there and in perfect health. In the course of the next campaign, I make no doubt that there will be a free communication between this part of the continent and Canada, when I will not fail to execute, in the best manner that I am able, the commission which I received from Lady Granby. There is an expedition going to be fitted out from here immediately, under the command of Lieutenant-General Clinton.

Viscount Stormont to [the Marquess of Granby].

1776, November 27. Paris.—Concerning a letter of recommendation.

Edmund Stevens to [the Marquess of Granby].

1776, December 26. New York.—All military operations in this part of the world are suspended. The army are in winter quarters. The Guards are in the Jerseys, at about forty miles from hence. The Congress, I hear, have quitted Philadelphia. General Lee is a prisoner at Brunswick, in the Jerseys, and is, I hear, to be tried by a court-martial next week. We are all anxious to know his fate. None hesitate to determine that he deserves to be hanged. I yesterday saw a letter from him to a friend of his, a captain in the regiment he formerly was in, in this service, which in substance is, if not pretty nearly verbatim, as follows:—"The astonishing alertness and activity of Colonel Harcourt, with the poltroonery of my own Guard, has thrown me into

the hands of your army. Whatever may be my fate, I hope that I shall meet it with becoming fortitude. The cause in which I was embarked is the most righteous one that ever man was engaged in; but it seems to be determined by fate that no free man shall inhabit any part of this earth. One universal dark cloud of slavery has covered the whole globe." When first taken, he was in good spirits, but lately he has been much dejected.

THOMAS THOROTON to his mother [MRS. THOROTON].

1776, December 29. New York.—Giving incidents relating to the army, and General Lee's employment during imprisonment. *Postscript by E. Stevens.*

SIR JOHN DANVERS to the DUKE OF RUTLAND.

1777, February 23. Hanover Square.—Concerning the colonelcy of the Leicestershire militia, vacant by the death of his brother-in-law, John Grey; mentioning the conviction of Doctor Dodd for forgery. *On the fly-sheet is the draft, or copy, of a reply.*

ALLEYNE FITZHERBERT to the MARQUESS OF GRANBY.

1777, March 25.—When I communicated Mr. Byres's letter from Rome this morning to Sir Joshua Reynolds, "he was in raptures at the intelligence, and persisted in his former opinion that these pictures—besides being a great national object, and consequently worthy of your Lordship's public spirit—would be at eight, or even twelve thousand crowns, a most desirable and advantageous purchase to a private dealer, and that, in short, if you should decline taking them, he should be exceedingly happy to buy them himself."

LORD ROBERT MANNERS to THOMAS THOROTON, at Rutland House, Knightsbridge.

[1777,] June 3. The *Enterprize*, off Cape Finistère.—"Since my last, [I] have been at Leghorn, Pisa, Pistoia, Lucca, and Florence; but then, to counterbalance those delightful territories, I have visited the inhospitable deserts of Lybia, having stayed at Tripoli seven weeks. . . From thence we went to Tunis, which, saving the present inhabitants, who deserve and have the same mean character of its ancient ones, is the first country of the world. Though they were indeed civil enough to us, and generally are so to the English, for whom they profess a great friendship, and I believe do esteem more than any Christian power whatever. Not but they would cheat and rob you, but then I mean they would not spit at you, or perhaps murther you as you walk along, which they will do in several other parts, and this they look upon as the highest proof of their moderation and urbanity; yet, notwithstanding a few of these kind of inconveniences, I could readily have stayed there some time longer, as certainly there are the finest remains of antiquity which I believe any part of the world can boast of, for, not to mention Cartage, where the two reservoirs and almost all the walls are left entire, there is the great acquaduct running from Zowan, the ancient Bysaltum, to Carthage, which is equal to 60 of our miles—a most astonishing work, and an almost entire one, worthy of the people who constructed it. I went from the ship to see this and a famous temple at the head of it, and in my way thither, over the plain of Zama, I counted above 230 arches together perfect; one of which I measured was 17 feet

in space and a 120 in hight, but they are not all so high. I saw about 40 miles the ruins of a very considerable city, which I don't find mentioned either in ancient or modern authors; a place of consequence it has been, by its situation and walls; an opulent one it must have been, by an amphitheatre and the great quantity of marble and granate pillars of Corinthian and other orders, which, as they are, make a most glorious sight, and demonstrate its former magnificence. I have since been at Gibraltar, and am now at sea, which by the date you may find."

EDMUND STEVENS to [the MARQUESS OF GRANBY].

1777, June 6. Camp near Brunswick.—Acknowledging a "friendly and most affectionate letter," and renewing a request for assistance in the purchase of a company.

JAMES BYRES to [the MARQUESS OF GRANBY].

1777, August 1. Rome.—In consequence of a letter from Mr. Fitzherbert of 8th April, I take the liberty of writing, but am sorry to say that I have not succeeded in your commission relative to Poussin's Sacraments. "The two brothers of the Bonapaduli family, the present possessors, would gladly dispose of them, but these pictures, as also their other effects, are entailed failing them to another family, and failing that to a third. Both the brothers are married, but neither of them have children, which renders the affair more difficult. Whether anything of my negotiation has transpired or not I do not know, but the Marchioness Gentile Bonapaduli, wife to the eldest brother, told me yesterday that the Pope had intimated to her husband and brother-in-law that these pictures were not to go out of Rome. She imagines that it was only from suspicion that, as the old prelate was dead, they might think of disposing of them. So nothing can be done at present, but if any favourable opportunity offer, I shall not let it slip."

LORD ROBERT MANNERS to his brother [the MARQUESS OF GRANBY].

1777, August. The *Enterprize*, Gibraltar.—I will not attempt to describe the joy your letter gave me. Nothing could have rendered me more happy but the more immediate participation in your happiness by seeing you and your amiable consort.

"I see by the newspapers that the armament is laid aside, and that Mr. Keppel is set out for Spaw, and that the expectation of an approaching war with France daily diminishes, but in appearance here I assure that it increases, and we see constantly French men-of-war and store ships going for the West Indies, and the other day saw at sea a Spanish fleet of eleven sail of men-of-war, destined, we believed, to the same place, and a French vessel lately informed us of a large armament fitting out at Toulon, and that they were making every other warlike preparation, and farther said he was afraid that war would be declared before he could arrive at Brest, where he was bound. This news we got by the advantage of wearing American colours, and have also by that liberty got intelligence of some of the real proprietors, and are at present making all possible expedition to intercept them, which in all probability we shall, as by accounts there are several on this coast."

I am sorry I could not execute your commission about pictures in Italy. Two of our officers who went to Florence saw the same subject, not in the Palazzo 'del Paduli,' but in one of the 'Palazii di Colonna,' which were very fine.

"I intend no longer to defer the pleasure of seeing you than by returning in a man-of-war to secure a safe passage, and prevent myself from being *in an unfriendly way taken by your friends.*"

LEVETT BLACKBORNE to [the MARQUESS OF GRANBY, at Cheveley].

1777, August 23. Margaret Street.—Concerning an intended purchase of some prints.

EDMUND STEVENS to [the MARQUESS OF GRANBY].

1777, August 30. Head of Elke.—Concerning movements of the troops in America.

The MARQUESS OF ROCKINGHAM to the MARQUESS OF GRANBY.

1777, September 27. Wentworth.—Mentioning a projected visit.

EDMUND STEVENS to [the MARQUESS OF GRANBY].

1777, October 9. Camp at German Town.—Reporting various movements and skirmishes, and a general engagement of 11th September.

The EARL OF MANSFIELD to [the MARQUESS OF GRANBY].

1777, October 29. Kenwood.—Concerning the elopement and marriage of Philip ——.

The MARQUESS OF ROCKINGHAM to [the MARQUESS OF GRANBY].

1777, November 6. Wentworth.—I have ordered the grey horse to be delivered to your groom. He is pleasant to ride, and though he has not been hunted can leap well and safely. I shall be in London before the actual end of next week. I hope many of our friends will be in town by Sunday, 16th. We ought to have a few days to consider what ought and what can be done. I do not know what to make of the intelligence from America. "I think the situation of Burgoyne's army so *precarious* that I should conceive it is nearly a balance to the supposed important advantages said to be obtained over Washington."

The SAME to the SAME.

1777, November 28. Grosvenor Square.—"It has been determined that a motion is to be made in both Houses of Parliament *for fixing a day for taking the state of the nation into consideration. Tuesday* next is the day fixed for the motion to be made. The actual going into the Committee (if granted) will be on the 2nd of February. I had the pleasure of a long and very satisfactory conversation on Saturday last with Lord Chatham. *Everybody* concurs in the intention for Tuesday next. I hope and beg that your Lordship will be in town for that day, and if Lord Monson is now with you, pray present my best compliments to his Lordship, and express my wish that he and your Lordship would come up for that day. Not a word of news as yet from America through the ministerial channells."

T. TOWNSHEND to [the MARQUESS OF GRANBY].

1777, November 28. Cleveland Court.—"Though I believe you will have received from another quarter by express the contents of this,

I could not deny myself the pleasure of writing to you upon several accounts. First, to congratulate you upon your appearance the first day, for notwithstanding your stop, you shewed the House what you could do, when you come to be in a habit of speaking to them: and I most sincerely wish, and earnestly intreat you to persevere, and you will find that a very few trials will give you the necessary confidence for making the most of your talents, of which I will not say all I think.

"I never saw so fair, or, I may say, a fair prospect of union among those in opposition till now. The only emulation seems to be, who shall be the most accommodating to the general plan. Tuesday we move in both Houses for a Committee on the State of the Nation, in both Houses to be held after the holidays.

"We hope to see you on this occasion. Lord Chatham wishes to see as strong a party on that question as possible. You will hear more on that subject from another quarter. I have the satisfaction to tell you that Lord Chatham is not only consulted on this occasion, but is referred to for his absolute decision. I believe, nay am sure, that unless prevented by illness, he will be in the House of Lords on Tuesday."

GEORGE JOHNSTONE to [the MARQUESS OF GRANBY].

1777, November 29. Kensington Gore.—"I was very much flattered by your note upon your Lordship's leaving town. Every command of yours is very sacred to me, and I feel a particular pleasure in executing whatever you may desire. I regard your Lordship as a singular example of magnanimity in the present scenes of dissipation, and I consider you like Hercules struggling between virtue and pleasure. I was sorry you did not come to the House the second day; it was by far the best I have seen in the House of Commons. Conway spoke from the heart in warm, affecting language, above the rules of rhetoric. Wedderburn endeavoured to smooth with a cold iron the fire Conway had raised. It was masterly, it was eloquent, it was insinuating, but it was artful. The House felt the deception while they admired at the manner. Burke attacked Wedderburn with repeated flashes of wit like the forked glare of lightning in a thunderstorm under the line. He was shrivelled under it like a blooming tree after a hurricane. Adam spoke wildly. Fox flew at him, and overturned both him and his arguments. In short, my Lord, I am persuaded if you had been there you would have catched the enthusiasm which prevailed, and uttered your own sentiments in your own manly manner, unawed by the formal attention of preparation, where a man is obliged to speak at a particular moment. I am really anxious you should attend and make two or three efforts, which is all that is required to perfect you in the path of daily improvement. I am certain you have all the requisites to become one of the best speakers of the House. The manner, excellent and manly; the modesty which you dread, most captivating; the tones of voice charming and distinct; the argument neat and to the point. Consider if any man ever swam well at the first trial, and how easy it becomes after a little practice. Yet no reasoning could convince a man who had floundered at first, that in two or three times repeating the trial he would support himself with pleasure and with little or no exertion."

I should not summon you to London without sufficient cause; but I understand from good authority the brunt of the battle will be decided on Tuesday, or Thursday at farthest. "There has been a meeting of Lord Rockingham, Lord Chatham, Lord Shelburne, and their different connections, when a perfect reconciliation and union was settled. Everyone seems for the present most anxious who can promote the

general plan most cordially and effectually. I hope your Lordship will not be wanting at such a moment."

"We have as yet no news from America, which circumstance is sufficiently fatal to the views of administration."

E. S[TEVENS] to [the MARQUESS OF GRANBY].

1777, December 13. Philadelphia.—Referring to the disaster to Burgoyne. In my opinion, nothing under a reinforcement of 25 if not 30 thousand men could possibly bear the most distant aspect of reducing this country by force of arms. What may be done by negotiation I will not presume to determine. The natural strength and resources of this country are such that the probability of conquering them in our present situation appears to me (but this is only for your private ear) altogether chimerical. This letter I shall send by Lord Chester, who is going to England with Lord Cornwallis.

LADY KATHERINE PELHAM to her brother.

[1778,] January 5. Whitehall.—Mentioning the happy event of Lady Granby's safe delivery of a son (Lord Roos).

LADY CHATHAM to the MARQUESS OF GRANBY.

[1778, April ?] Thursday. Hayes.—Acknowledging his solicitude about Lord Chatham's health; and expressing the regret which she feels at Lord Granby's generous desire of acquiring knowledge from the extensive experience and genius of Lord Chatham, being so cruelly disappointed by his inability to answer communications.

C. F. GREVILLE to [the MARQUESS OF GRANBY].

[1778, April .]—"I know you are interested in the event of this day's debate; I almost expected it would have secured to us the pleasure of Lady Granby's and of your company."

I now do not regret that you did not attend the House of Lords, as you avoided a very affecting scene which I saw. The Duke of R[ichmond] had made his motion; Lord Chatham had answered him and opposed it. He reminded us of the spirit of this country, and of its former glory. He treated the idea of submitting to the insults of France as pusillanimous, and independance of America not to be admitted at any rate. He spoke about ten minutes. The Duke of Richmond replied, and near the conclusion my eyes were on Lord Chatham. I thought he attempted to rise and was feeling in his pocket, when, to my surprize, he fell back in a fit. The House was full, and was cleared. He was removed to one of the committee, or dressing, rooms, and the House adjourned for a little. I went away before it was resumed. . . . In the House of Commons we were employed in doing justice to Ireland for its loyalty on our present crisis. We shall review its trade, and probably end in encouraging every manufacture except the woollen, which originally was excepted. This I know you would from your justice approve, and I would have hoped for a division to have the pleasure of dividing once with you. I wish Lady Granby joy of her star. "The opportunity of purchasing diamonds will be frequent, as what is once set as a fashion, whether it be a knot under the chin or under the ear, it will certainly be followed by some. Sir C. and Lady Bamfield have set the example, and have contrived to get away their

trinckets, but as officers will be in future more vigilant of their charge, others will run also, but the stars will remain."

C. F. G[reville] to the Marquess of Granby.

[1778, April .]—The honour paid to the memory of Lord Chatham will give you satisfaction. I only lament that your absence prevented the motion originating from you. Comments upon the political aspects of the country.

E. Stevens to [the Marquess of Granby].

1778, April 10. Philadelphia.—Asking, in the event of the formation of a Ministry under Lord Chatham, for Lord Granby's influence.

Pennsylvania.

1778 [*c.* April].—List of prices of various articles as they were formerly and a few months ago in Pennsylvania, showing in several instances a tenfold increase.

Lord Robert Manners to his brother, the Marquess of Granby, at Knightsbridge.

[17]78, [May] 20. Portsmouth.—Asking him to postpone his visit for a week, as he is taken up with changing ship.

The Same to the Same.

[1778, August 9 ?]. The *Ocean*, at Plymouth.—"The fleet is just arrived, though not in a very good condition. . . . I shall refer you to Admiral Keppel's letter for the particulars of the engagement. I shall only say that we have *not* brought in Monsieur de Chartres, and that it was more a skirmish than an action. I cannot exactly ascertain our loss, not having seen the returns, but should think it amounted to near 800 killed and wounded. . . . We find the people at this place highly exasperated against us for not doing more."

C. F. Greville to [the Marquess of Granby].

1778, April 20. Henbury, Dorset.—Excusing himself for absence from London. "I rather wish to encourage patriotic croaking untill the *Victory* arrives at Spithead. I shall therefore not say one word of the glorious sight of 31 ships of the line at Spithead. I attempted in vain to see your brother, although I saw his shipmates."

Anthony Lucas to [the Marquess of Granby].

[1778,] August 1. Knightsbridge.—"I have this moment heard that Captain Falconer arrived this evening express from Admiral Keppel with an account that after all his endeavours to bring the French to an engagement, on the 27th July, Admiral Harland's division, chiefly, had a running fight for about two hours, but as the whole French fleet are got into Brest, it is impossible to ascertain their loss. Ours is 133 killed and 373 wounded. He has left some few ships cruising off Brest, and is returning with the fleet to Plymouth." Knowing your anxiety for Mr. (Lord Robert) Manners, I should have

been happy to have sent you further particulars, but I hope you may rest easy on his account, as it appears the engagement was with Harland's division.

The Marquess of Rockingham to the Marquess of Granby.

1778, August 3. Grosvenor Square.—"Your brother is very well. The French ships were well beat, though we have no trophies. The Ministers and public are disappointed because they expected that we were *at least* to take half the French fleet. The Admiral, captains, &c. on board our fleet, and all the sea folks who know the circumstances, are all satisfied that our friend Admiral Keppel has acted with great ability and great spirit."

Lord Robert Manners to his brother, the Marquess of Granby, at Chevely Park, Cambridgeshire.

[1778,] September 11. The *Victory*, at sea.—You see that I am at present in the *Victory*. I quitted the *Ocean* on Monday fortnight. We expect to see the the French fleet very soon if they are at sea, but we have some reason to suspect that they are returned to Brest. I believe Mr. Keppel intends to go off that port, that they may have no excuse for not meeting us.

Thomas Thoroton to [the Marquess of Granby].

1778, September 14. Knightsbridge.—Concerning the movements of the American squadron and of Keppel's fleet off the Lizard.

The Same to [the Same].

1778, October 13. Knightsbridge.—Mentioning D'Estaing's attempt upon Rhode Island.

Lord Robert Manners to his brother, the Marquess of Granby, at Liverpool.

[1778,] October 30. The *Victory*, Spithead.—"Our admiral set off for town this morning, and I fear will resign if not well received. I do not think that Lord Howe has brought any accounts to induce the Ministry to try another campaign, though I understand more troops are to be sent out. Sir Hugh Palliser is gone up to London highly exasperated at a letter which appeared in one of the daily papers, reflecting severely on his conduct during the action. He talks of clearing his character in a public manner, and insists on laying the whole affair before Parliament. The fleet, however, and particularly the *Victory*, is ordered to be fitted immediately, which has the appearance of our making another cruize this winter, a thing from which I cannot perceive that any good can result. The French will be very happy in seeing your fleet out, probably most of them disabled by the inclemency of the winter season, while they remain safe in their port, ready to take possession of the seas when you are incapable of assisting them and affording the country or trade any protection."

"Captain Finch has taken a prize, his share of which will amount to 62,000*l.*, a fortune quickly made, and with little trouble, as she did not fire above three or four guns. It was not three months ago that he took another, which will bring him in 12,000*l.* or 15,000*l.*"

GEORGE JOHNSTONE to [the MARQUESS OF GRANBY].

1778, November 5. Kensington Gore.—Reviewing the situation, both with relation to parties at home and foreign affairs. Lord Chatham's death is the greatest evil that has befallen.

SAMUEL ROGERS to [NICHOLAS ASHTON].

1778, November 26. *Marchioness of Granby*, at Sea, in lat. 48.22 N., lon. 9.45 W.—On the 24th ulto., about 9 o'clock, saw three large ships under our lee, distance about 4 miles; made sail and stood after them. About 2 p.m. they shewed French colours. I took them for Indiamen. At 3 they hauled up and made signals to each other, then hoisted blue ensigns. I ran athwart their stems for the leeward-most ship, then about half a mile distant; they all wore round, hoisted French colours, and made sail after us. I had just shewed my colours before. They turned out to be men-of-war, two-deckers. One fired two broadsides, and another one broadside. I made sail, and by hard carrying got away from them. *Copy.* (*On the second leaf is the copy of another letter signed Robert Watson, briefly reporting the same incident*).

THE SLOOP "LADY GRANBY" AND THE SHIP "MARCHIONESS OF GRANBY."

1779, January 13.—The accounts of two privateers, furnished by Nicholas Ashton, from which it appears that the Marquess of Granby had one-third share in the venture. The sloop *Lady Granby* appears to have been sold, after taking two prizes.

ALLEYNE FITZHERBERT to the MARQUESS OF GRANBY.

1779, January 19. Brussels.—"I should have written to you much sooner, in answer to your very kind and friendly letter of the 17th of November, but that I thought it better to wait till I could be able to tell you something certain respecting the time that the picture we have in view is likely to be put up to sale, as well as the price that it will probably fetch. With regard to the former of those points, I now learn that the inheritors of Verhulst's collection, who are four or five in number, after having waited a considerable time in vain, in hopes that some purchaser would offer to take the whole off their hands at once, have now come to a resolution to dispose of their pictures by auction, and that the sale will probably take place towards the beginning of next June; however, this is far from certain, as the disputes, inseparable from an undivided succession, as well as other reasons, may possibly delay it many months longer. As to the other point, which is the price, I have learnt from the best authority that Verhulst himself, who bought it about a dozen years ago, paid for it at least 1,000*l.* sterling, and as the pictures of Rubens have since that time increased prodigiously in value, I find that the proprietors of this look upon it as being now worth a great deal more. The general circumstances of the times, however (though felt much less severely in other countries than in England), will certainly, as you very justly observe, tend to diminish if not annihilate this augmentation of its value, so that I think, with proper management, it may be procured for its original price, but, in order to this, it will be necessary that both your Lordship and myself should observe the strictest silence respecting your desire of purchasing it. I will not trouble you with any description of the picture itself, as (exclusively

of my being doubtful of my powers upon that head) I never remember to have read or heard any description whatever, however eloquent, that tended to give me any sort of idea, even a wrong one, of the thing or person that it meant to paint to me. One circumstance, however, relative to it, I must not omit to mention, which is, that as it is at least nine feet high, and was originally painted for an altar-piece, it ought, in order to be seen to proper advantage, to be placed in nearly the same situation that it was first intended for, that is to say, much higher than, as far as I recollect, the dimensions of any room or gallery that I ever saw out of Italy can possibly admit of. However, this is a nicety which your Lordship may not think worthy your attention, particularly as in breaking through it you will be justified by repeated examples in all the great collections I ever saw, both in France and England. It remains for me to speak of the *celebrity* of this picture, which I assure you is as great as you can possibly wish, for Verhulst's collection (more I believe from the singular character of the man, and the great number of pieces that it consisted of, than from their real excellence) was always considered as the most famous in the Low Countries, and this particular piece was looked upon as worth all the rest put together. I enter very thoroughly into your ideas upon this head, though it must be owned that the prejudice is an expensive one, as the reputation of a picture, without adding one tittle to its real value, commonly adds most enormously to the price of it."

LORD ROBERT MANNERS [to his brother, the MARQUESS OF GRANBY].

[1779, January,] Sunday.—"Captain Allen was called yesterday, and gave an evidence full as concise and precise, and as much in favour of Admiral Keppel as Captain Windsor. To the general question he answered 'No! I should not have answered this if I had not thought that six-and-thirty years of my service had intitled me to it; and I say, on the contrary of tarnishing the behaviour and conduct of Admiral Keppel, that day did honour to the British flag.' The Judge-Advocate went up to town last night, where he will give a very unpleasing account. I have not yet heard when I am to be called. I trust now there will be no occasion."

LADY KATHERINE PELHAM to the MARQUESS OF GRANBY.

[1779 ?] February 8. Whitehall.—"I verily believe you to have very few faults. Sorry I am to hear you guilty of the bad one of keeping intollerable hours, which will undoubtedly hurt both yours and Lady Granby's health; do keep better, and forgive the liberty taken."

The MARQUESS OF ROCKINGHAM to the MARQUESS OF GRANBY.

1779, February 11. Portsmouth.—Announcing the acquittal of Admiral Keppel, "the accusation being unanimously voted malicious and ill founded."

NICHOLAS ASHTON to the MARQUESS OF GRANBY, at Chevely.

1779, February 12. Woolton.—Reporting an advice that the privateer, *Marchioness of Granby*, had been taken by a French frigate and carried into Brest. The sloop, *Lady Granby*, sailed from hence on the 9th instant, since when there are no accounts from her.

The Marquess of Rockingham to the Marquess of Granby.

1779, March 5. Grosvenor Square. — Remonstrating with him for going out of town and leaving it in doubt whether he would be back in time for a critical division expected on Monday next; and strongly urging him to come and bring his friends.

Lord Robert Manners [to his brother, the Marquess of Granby].

[1779, March ?] 11. The *Victory*, Portsmouth Harbour.—The *Victory* being ordered into dock, I am prevented from seeing you in town. We remain here in the greatest suspense about our naval affairs, that is, whether the Admiral will or will not take the command this summer, whether Lord Sandwich will or will not go out, whether there will be a whole, a partial, or any change of administration. We hear the King has accepted of the Admiral's resignation, but have it not from authority.

The Marquess of Rockingham to the Duke of Rutland.

1779, June 16.—A rescript or manifesto has been delivered by the Spanish ambassador, tantamount to a declaration of war. It will be laid before the House of Lords to-morrow. Do call here if you can this evening. I think your Grace ought to take your seat to-morrow if you have not already done so. You certainly should be present on so solemn a business.

The Duke of Ancaster to the Duke of Rutland.

[1779, June .]—Concerning a proposal for raising a regiment, and mentioning Colonel St. Leger.

On the blank inside pages of this letter are some notes apparently referring to the impending election for Cambridge University; and the votes capable of being secured for Townshend, Hyde, Mansfield, Euston, Pitt, Crofton, and Carysfort respectively.

Warrant for raising a Regiment.

1779, June 28.—Royal warrant for raising a regiment of foot, addressed to [Colonel] Anthony St. Leger, &c. *Copy.*

The Earl of Mansfield to the Duke [of Rutland].

1779, July 20.—Concerning a trust deed relating to the debts of John, Marquess of Granby. "There is one thing I would earnestly recommend to you at your setting out—to look a little yourself into your own affairs. Be assured that the best trustees are at best but paper and packthread. If you attend a little to your own business, you may do great and noble things, and live in magnificence and affluence. If you totally neglect it, if your estate was double, you will be a prey, and very soon undone. *Dii meliora.*"

The Marquess of Rockingham to the Duke of Rutland.

1779, July 28. Grosvenor Square.—"It is understood that Gibraltar is invested, and that the combined fleets of France and Spain are about fifty-one of the line, looking out for Sir Charles Hardy, who has thirty-four, or perhaps thirty-five or thirty-six. These circumstances in other times would be deemed horrid and alarming, but at present it seems nothing extraordinary. How or *how soon* it is all to end I know not."

WILLOUGHBY DIXIE to the DUKE [OF RUTLAND].

1779, August 3. Bosworth.—"On receipt of yours I write immediately to Dr. Oldershaw and Mr. Alpe, who I hope I shall prevail with to give their vote to your friend Mr. Pitt."

SIR GEORGE ROBINSON to the DUKE [OF RUTLAND].

1779, August 13. Cresford.—"Though I have the greatest respect for the character of Mr. Pitt, as I am sure I have for your recommendation, my connection with the other candidates will, I fear, make it impossible for me in this instance to comply with your request."

DR. E. BARNARD [Provost of Eton] to the DUKE [OF RUTLAND].

[1779, August .]—Acknowledging the strong claims of Mr. Pitt, but excusing himself from giving any definite promise in regard to the election for the University.

WILLIAM PITT to the DUKE OF RUTLAND.

1779, August 14. Pembroke Hall [Cambridge].—"I received yesterday your Grace's obliging letter, and beg to return you a thousand thanks for the repeated proofs of zeal with which you honor my cause. I should not have delayed troubling your Grace so long, if I had not found some difficulty in procuring at this time the List of Bachelors which I now send. I doubt whether I have been able to distribute all the names accurately according to their years, and it is possible that you may find some included who will not take their degrees till after the General Election; but at least I trust there are none omitted of those who will take it before that time. I see that Mr. Capper of St. John's is in the list, and I hope to hear a good account of him. I received a few days ago an answer from Lord Rockingham, a copy of which I send your Grace, which, in addition to his letter to you, seems to preclude all hope of assistance from him, unless something new should happen before the election. I have not received answers to my application from more than 50 or 60 persons (exclusive of Pembroke). Of that number only nine say that they are engaged; about 24 wish to make no declaration so early; 10 are absolute promises, and 14 are rather favourable. This comprehends altogether but a small proportion of the voters, but, as far as it goes, I have no reason to be dissatisfied with it. I have also made out a list of all the positive promises I have received, which will make a small part of the voluminous packet I am going to trouble you with. It is absolutely necessary to keep their names secret, for many reasons, and I shall certainly communicate them to no one besides your Grace. I have written down none but those who have absolutely promised, though there are several of whose assistance I have no doubt, before they make the promise. The University is so thin that I have not been able to make so much progress as I wished in hunting out connections. But I believe I could already point out near 130 persons (besides those who have promised) from whom (some with greater and some with less degrees of probability) I have reason to expect support. The conjectures must, however, be some of them very uncertain, and not to be built upon; but, upon the whole, my prospect is as favorable as possible, and will, I dare say, be still confirmed when I return hither in the autumn, as every day will probably discover ways of coming at votes that I at present know nothing of.

"I conclude that Mr. Chamberlayne is with your Grace. I will not trouble him with a letter, but beg the favour of you to present my best compliments to him, and give him the list of Yorkshire votes, which he was so good as to allow me to send him. Some of the persons may be at a distance from the places he mentioned, but I rather chose to include too many than too few. I enclose also the list of Nottinghamshire, Leicestershire, and Lincolnshire voters, which Mr. Thoroton gave me leave to trouble him with. It will, I am sure, be no trifling instance of the friendly manner in which you interest yourself in my undertaking, if you forgive all the trouble I am venturing to give you.

"I will detain your Grace with only one word more. My competitors are, from what I learn, very industrious to prevent those whom they can influence from engaging their second votes, and with such a number of candidates it is impossible to be secure otherwise that the second vote may not defeat the first. I do not know whether your Grace may think proper to apply to any of your friends to keep theirs disengaged. You will, I am sure, excuse my mentioning the subject, and suggesting that, wherever such an application can be made with propriety, it will be of the greatest advantage."

Postscript.—"My direction will be till the end of next week at *Hotel, King Street, St. James's Square, London*, to which place I am just setting out; after next week, *Burton Pynsent, Somerton, Somersetshire.* Pray mention to Mr. Chamberlayne that there are two *Harrisons*, one of St. John's. One, I hope, is the person he mentioned to me."

GEORGE DENSHIRE, junior, to the DUKE OF RUTLAND.

1779, August 15. Stamford.—On receiving your letter I immediately applied to my brother Brackenbury, who, though applied to by several friends and acquaintances for his vote, has left himself disengaged, and, to oblige me, will give your Grace a vote in favour of your friend Mr. Pitt, but begs it may not be mentioned, as he does not wish his intention known so long before the election.

The EARL OF STAMFORD to the DUKE [OF RUTLAND].

1779, August 16. Dunham.—I have received the favor of your letter, most earnestly soliciting my interest in favour of your friend Mr. Pitt at the General Election for the University of Cambridge. I am extremely sorry it is not in my power to comply with your request, which I should have done with great pleasure if I had not before engaged my interest to Mr. Townshend.

W. DICKINSON to the DUKE OF RUTLAND.

1779, August 16. New Buckenham, Attleburgh.—I am glad of the opportunity of obliging your friend (Mr. Pitt) with my vote.

CHARLES PRESCOT to the DUKE [OF RUTLAND].

1779, August 17. Catherine Hall, Cambridge.—Asking his interest to obtain him a living in the gift of the governors of the Charterhouse. "P.S.—A Master of Arts of the last commencement has given into my disposal his vote at the next general election. If agreeable to your Grace, I shall wait upon Mr. Pitt and assure him of the vote."

LORD ROBERT MANNERS to his brother, the DUKE OF RUTLAND, at Belvoir Castle.

[1779, August] 19, Thursday.—"An account is just arrived at the Admiralty, from Lord Shuldham, that the French fleet, consisting of 86 sail, 57 or 58 of which are of the line, are now at an anchor in Causand Bay, by Plymouth, and that another fleet has made its appearance, but at too great a distance to ascertain whether they are Sir C. Hardy's fleet or the enemy's transports. The consternation now is pretty general, and the Ministers a good deal dejected, except the under-runners, who declare the more they have the more will be taken. I came here this moment from Deptford to hear the news."

[ALLEYNE FITZHERBERT] to the DUKE OF RUTLAND.

1779, August 20. Brussels.—"I have the greatest satisfaction, my dear Lord, in being able to acquaint you that at Verhulst's sale on Wednesday last, his celebrated Rubens was knocked down to you for 12,100 florins of this country, equal to something more than eleven hundred pounds sterling. You will judge of the joy and surprize which I felt at getting it at so low a rate, when I inform you that, in consequence of what I understood to be your intentions respecting this picture when we last met, I had given Danrot directions to bid for it as far as 20,000 florins (upwards of 1,700 guineas), and that even at that rate I much doubted of being able to procure it for you, the connoisseurs and picture-brokers, both here and in Holland, having been unanimously of opinion that it would fetch upwards of two thousand pounds. The only reason that can be assigned for its having been sold so much lower, is the universal scarcity of money which prevails at present throughout Europe." The whole collection brought but 64,000 florins, though to my certain knowledge Verhulst refused no less than 140,000 for it six years ago, and his executors 100,000 not above a month since. Asks for directions as to packing, insurance, &c.

The EARL OF MANSFIELD to the DUKE [OF RUTLAND].

1779, August 22. Kenwood.—Offering a loan to enable him to raise a regiment.

ADMIRAL AUGUSTUS KEPPEL to the DUKE [OF RUTLAND].

1779, September 4. London.—"Sir Charles Hardy anchored safely yesterday at three o'clock in the afternoon at Spithead. If the event is deemed a happy one, it is a sad occasion for joy, the combined fleets of France and Spain offering battle for four days together to Lord Sandwich's boasted fleet, unequal to the risk and chance of battle with the enemies' fleet, far less our own Channel. I am really low spirited with reflection upon it. What would our departed friend Lord Chatham have said? I conclude he would have determined to bring the authors of our disgrace and dishonor to just punishment. No other man or men know how to bring such matter to issue."

ALLEYNE FITZHERBERT to the DUKE [OF RUTLAND].

1779, September 7. Brussels.—Concerning the recent purchase of a Rubens, and recommending Mr. Fitzgibbon, a great-nephew of Marshal Brown, for a place in the Duke's new corps.

——— to ———.

1779, September 21, 24, and 28. Scarborough.—Three letters giving a detailed account of the proceedings of Paul Jones's squadron in that neighbourhood. *Copies.*

SAMUEL BEILBY to the DUKE OF RUTLAND.

1779, September 26. Hunmanby.—"On Thursday night, from about seven to eleven o'clock, I was an eye-witness from Osbaldiston's house of an engagement opposite to it in Filey Bay, off Flamborough Head, between Paul Jones' squadron, consisting of four ships, and two of our ships convoying the fleet from the Baltic. Jones had one ship of 40 guns, two of 36, and a brig of 12; our ships were supposed to be a 40 and a 20, and the largest of them said to have been commanded by Capt. Piercy. The two 36-gun frigates soon took, after seven broadsides, our 20-gun ship. Piercy, in the other, fought Jones for four hours, and, it being in the night, they engaged so close that their guns frequently touched for a long time together. He leaped more than once on Jones' deck, when it was nearly cleared, calling out to him to strike, but the latter declaring he would sooner sink, the action was revived with greater obstinacy than ever. At last Jones must have either sunk, or have been obliged to strike (having many feet of water in the hold, which came in from the lower ports, and between 60 and 70 men killed), had not he called for assistance to a fresh 36-gun frigate, just returned from helping to take our 20-gun ship. She came on the other side of Piercy's ship, who being wounded, and supposed to be incapable of command, from the cry that was heard in our ship when he was wounded, his ship also being almost a wreck, was forced to strike after the first broadside from the frigate. As Jones' ship was supposed to be sinking, and his own boats being shot to pieces, they sent all the boats they could from his frigate to take in his crew. Six English and one Dane got into one boat and made their escape to Filey. Yesterday morning they came and surrendered themselves to Osbaldiston. I have sent you their affidavits, which I took. Osbaldiston directly sent copies of them and an account of the action to the Admiralty. Yesterday morning I saw off Flamborough Head Jones' squadron (steering probably for Dunkirk), two of them with jury masts scarcely able to sail. I am certain that a 50 and 40-gun ship would take his whole squadron should they meet him.

"I thought the above account might amuse you, and have therefore sent it. How inexcusable is Ministry in leaving all this coast without a single ship of force! All the ships in Hull, Burlington, Scarborough, and Whitby might easily be destroyed by any determined adventurer.

"P.S.—I am happy in informing you that Osbaldiston assures me he will use his utmost endeavours to prevent George Osbaldiston from giving you any trouble at Scarborough. I am certain he would be glad that you should always carry one member there."

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

[1779,] October 27. The *Alcide*, at the Nore.—"I am a lieutenant still. Indeed I have had a step in the *Alcide*, being now 2nd lieutenant, which is all the promotion I have or am likely to get. If Lord S[andwich] does not intend to promote me, he need not have appointed me to the very last ship that was to join Sir C. Hardy, so diametrically opposite to what I asked and he promised. We shall pro-

ceed for the Downs and Portsmouth to-morrow—one of the worst manned ships in the service, and in the beginning of winter, which will add to the many pleasant circumstances I have lately met with."

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

[1779,] November 15. The *Alcide*, Spithead.—"I discover plainly my promotion was never intended, and that I have been all along amused with specious words and promises. . . Thus you see of how little avail are large and liberal donations to a government whose ministers esteem nothing but Parliamentary votes to establish them in their places and carry them through their destructive measures. Lord Sandwich's caracter is too well known for any man of higher understanding than an idiot to put confidence in his promisses. I only wonder how Lord Mandsfeild could pay so much attention to what he said as to relate the conversation to me, for I am stedfast in opinion he never meant to deceive me. Since I saw you, there have been numerous opportunities of *doing it soon and in a handsome manner*, which opportunities have not been lost on other people, as I verily believe twenty captains have been made. I have never yet been so seriously irritated during the course of my service or felt on any professional occasion so much as on this. It is trifling too much with one of the first families in the kingdom. I hope to God some time or other to have it in my power to shew my displeasure."

The SAME to the SAME.

[1779,] November 30. The *Alcide*, Spithead.—"The *Alcide* is preparing with all expedition for sea, though our destination is not yet known. The reports are various; the West Indies, America, St. Helena, Gibraltar, have all been talked of. Certain it is she goes out with Sir G. Rodney. . . . When I look back on the numerous opportunities that have been lately offered and laid hold of in other lieutenants' promotion, I fancy that the Admiralty are determined to proscribe me."

CHARLES STOKES to the DUKE [OF RUTLAND].

1779, December 1. Stamford.—I send a list of my votes in Walton and Mowsley, all which are made by virtue of the tythe. Mr. Burdett has not yet canvassed Shearsby, and if I am defective there it is owing to the inclosure. To unravel this my property is now turned to land. The tythe there is gone, which would have been a *flagellum in manu* to have whipped these up to obedience. I have hopes of regaining some, and if I succeed the number I shall compass will be about 35.

The DUKE OF RUTLAND to the DUCHESS.

1779, December 8. Arlington Street.—"The Duke of Richmond made a motion which you will see in the papers. There was no communication. Nobody knew what it was, so it was ill attended. Lord Chatham was gone to Hayes, Lord Camden was absent, and I was in the same predicament. But I am afraid to tell you that Lord Shelburn gave notice that he should make a general motion on the state of the nation, grounded on that of yesterday, on this day sennight. This embarrasses me much. My anxious desire to break through the constraint of absence from her I love will almost induce me to reject the pressing intreaties that will be made me to stay, but a future letter will decide that point. Though our numbers were small, yet appearances were

strongly in our favour. Lord Paget, Lord Say and Sele, and Lord Townshend voted with us—new votes—Lord Carmarthen and Lord Huntingdon went away, and so did Lord Peterborough, a young man who had just taken his seat. Lord Lothian and Lord Talbot were absent. The principal argument which ran through the whole debate was œconomy, but necessary as it is, and certain as it is that retrenchment in all our expences will very soon become indispensable, nobody seems to have begun. It is impossible we can continue our present mode of living long. Indeed, I must press œconomy to you. You must not purchase everything your eye is attached to—no superfluous cloaths beyond that is requisite for you to appear clean and decent. I assure you I shall put my affairs under regulation, for I have enormous private debts suspended over my head, besides the appearance of general calamity. Almost an universal bankruptcy among the tenants if rents are not lowered is constantly expected. One of mine—a trifling one however—at Newmarket is broken. You must likewise be attentive to the expenses of the children, whose bills, you know, I objected to as extravagant last year. Indeed, everything bad is to be dreaded. If some alteration does not take place, I fear some dreadful convulsion in this country will arise. Things appear ripe, and people enraged. God Almighty avert the storm, and leave the beautiful constitution of this kingdom uninjured and unimpaired."

Postscript. "Lord Shebburn attacked Lord Stormont, and declares he will make him the object of attack every debate. As Lord Stormont is unsupported, and as Lord Shelburn is backed by the Duke of Richmond, Grafton, &c., Lord Stormont must feel himself very uncomfortable. It will probably drive him out of office."

Lord Robert Manners to his brother [the Duke of Rutland].

1779, December 5. The *Alcide*, Spithead.—Giving his reasons why he cannot make up his mind to quit the service except as a last resource.

The Same to the Same.

[1779,] December 16. The *Alcide*, Spithead.—Informing him that Sir George Rodney has offered to make him 9th lieutenant in his ship, the *Sandwich*, but that he prefers to remain on board the *Alcide* as long as he is a lieutenant.

The Same to the Same.

[1779, December] 25. The *Alcide*, Spithead.—"The wind is fair, and we are preparing to take advantage of it while it is favourable. . . I find the report false of the offer to be made to me of going on board Sir George Rodney's ship." I am sure that nothing more can be done till I return. It must be left now to their decision whether I am to remain in this service, at least whether this service is to remain an object to me.

The Same to the Same, in Arlington Street.

[1780,] January 9.—Informing him that they have taken a whole Spanish convoy of twenty-two sail of merchant ships, and that he hopes to get his promotion at Gibraltar.

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

[1780, January.]—Sending a list of the ships forming the squadron under the command of Don Luis de Langara.

The SAME to [the SAME].

1780, January 24. The *Resolution*, Gibraltar.—"You did not receive the letter I wrote you off Cape Finisterre, informing you of the capture of a whole Spanish convoy consisting of 23 sail, the vessel I sent it by not going to England. After having changed the prisoners, we proceeded on for Gibraltar, the place of our destination. On the 16th the *Bedford* and *Resolution* made the signal for a fleet, which was followed by one for a general chace from the Admiral, discovering them to be the Spanish squadron which we had some few days before received information of. Our coppered 74's soon brought them to action, and about ten o'clock at night most of the ships were engaged. Just at dusk the *St. Domingo*, of 74 guns, about half a mile on our lee bow, engaged by the *Bienfaisant* and *Edgar*, blew up, and afforded the most tremendous sight I ever beheld; the stream of fire clouded by a column of smoke terminated the whole, as nothing was left of the ship when the smoke dissapated. About dark the *Princessa* struck to the *Resolution*, the *Dilighente* to the *Edgar* and *Montagu*. The Admiral's ship, the *Phœnix*, of 84, after receiving the fires of seven or eight ships, struck to the *Defence* and *Bienfaisant*, the *Monarcha* to the *Sandwich*, the *St. Juliana* to the *Prince George*, the *St. Eugenia* to the *Terrible*, and some other ships; the two last are since supposed to be lost, two lieutenants of the *Prince George* being on board the one; the other was so exceedingly shattered that the *Terrible* was obliged to take out her men, and from a principle of humanity suffered them to try to save themselves as well as they could, keeping at the same time the principal officers with them; whether they have saved themselves is not known. You wonder I dont mention the *Alcide;* indeed, we had so very little share of the business that I shall only tell the reason of our not having more. In the first place we did not sail capitally, and secondly was the sternmost ship when we chased, that being our station; however, we did come into action, for having ran up alongside of one of the enemy's ships, supposed to be the *Phœnix*, and having taken in sail to engage her, the very first fire she gave in return to ours brought down our maintopmast, which, falling on the side on which we engaged, disabled us so effectually that we were glad to haul our wind clear of the action; indeed, our place was immediately supplied by two others. The action lasted till nearly 4 in the morning, when we found ourselves so near Cadiz that the *Invincible* counted all the ships in the bay. The Spaniards, considering the great disparity between us, having only 8 to 18, behaved with the utmost bravery, and did not strike till they had either lost their masts or were so disabled as not to have it in their power to return our fire.

"Thus ended the action in their having lost 7 ships out of 8. Our loss is trifling. Though I mentioned little about the *Alcide*, I can tell you something about myself which will not displease you.

"Now move heaven and earth. My dearest brother, make every exertion in your power to get me confirmed, as I am now post captain in the *Resolution*, being appointed Sir Chaloner Ogle's captain, who is an established commodore. Sir Geo. Rodney has behaved exceedingly handsome in it, as I am appointed post at once. There were no sloops or masters and commanders when he made me, which will obviate the

objection of my being put over anyone's head. I have transmitted home a copy of my commission to the Admiralty for confirmation; you must use your whole influence to effect it; write to Keppel, to Sir John L. or Lord Mansfield immediately; there are numerous precedents for it when no sloops are in company."

ALLEYNE FITZHERBERT to the DUKE [OF RUTLAND].

1780, March 3. Brussels.—After many delays on the part of Verhulst's executors, I am at last in possession of the Gerard Dow I mentioned to you. The price was 3,000*fl.*, about 300*l.*, a very great price considering the size of the picture, but a very small one if you take into the account the great request in which the capital works of this master are held both in Holland and here, and that Verhulst paid for it upwards of 100*l.* more than its present price, that, too, many years ago. I think it more of a bargain than the other (the Rubens). As to your Tokay, it is arrived from Vienna, but must be tested and approved before it can be sent you. At this moment your eyes are probably fixed upon the great game we are playing at Gibraltar.

BENNET STORER to the DUKE [OF RUTLAND].

1780, March 7. Grantham.—Congratulating him on Lord Robert Manners's appointment to a seventy-four, and his success in taking the first ship of force that has been taken from the French.

The DUKE OF BEAUFORT to the DUKE [OF RUTLAND].

1780, March 9. Blandford Park.—"I take the first opportunity to congratulate your Grace on Lord Robert Manners's promotion, and also on the success he has met with in his return home in taking a French sixty-four gun ship."

The DUKE OF RUTLAND to his brother [LORD ROBERT MANNERS].

1780, March 10. Arlington Street.—"You are to know that Leicestershire is almost adjusted, and that you are the declared candidate—and will be the chosen one—for the county of Cambridge. I am advised to declare it formally at the assizes, which are next Tuesday, and it will be necessary—if your absence from your ship can be dispensed with—for you to be present. After that there will be a meeting of the freeholders to consider of a petition, on the plan of all the other petitions, when—as you have not an inch of property in that county—it will be indispensably necessary that you should attend and make a most violent speech."

LORD ROBERT MANNERS to [the FREEHOLDERS OF CAMBRIDGESHIRE].

[1780, March.]—Draft of an election address.

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

1780, [March] 29. The *Resolution*, Spithead.—Expressing his desire for a change of ship, and giving his objections to the station he is going to and the people he is to be employed with.

The SAME to the SAME, in Arlington Street.

[1780,] April 9.—A farewell letter.

The Marquess of Rockingham to the Duke of Rutland.

1780, April 5. Grosvenor Square.—"The account you was so good to send me of what had passed at the first meeting in Cambridgeshire gave me much pleasure. . . . . I have received your letter with the *hints* of what you suppose may be *agitated* at the ensuing meeting in Cambridgeshire on the 10th instant. You shall certainly hear from me before then by a safe conveyance. I write by *the post*, which is not a very safe conveyance, but, in answer to your last letter, I shall only say that my *ideas* concur with yours." As to business in the House of Lords, I feel honoured by being entrusted with your proxy, but, for your own sake, you should be *present* when any great business—or matter of public expectation—is agitated in the House of Lords.

Postscript.—"I am told that your Grace was a *dasher at hazard* at the last Newmarket meeting. I have always held that playing at *dice* at *Newmarket* was—an abomination."

Thomas Thoroton to the Duke of Rutland.

1780, April 6. House of Commons.—"I was not honoured with your Grace's kind letter till Tuesday night, at Screveton, after hunting, and I had appointed Mr. Fillingham and Mr. Staveley to meet me about business on Wednesday noon, at Grantham, by which means I did not leave that place till six o'clock last night. I found it, therefore, impossible to make Cheveley in my way, which I should have been excessively happy to have done could I have been in time for this debate. It is an immense full House, I believe the fullest seen for many years. I am sorry to say Lord George, I fear, is snug at Kelham, but I hope, though I have not yet seen George, that he either is, or will be here. It is made a point of to get all friends down on both sides, and all the cripples, Lord Robert amongst the rest, are here. Numberless enquiries have already been made where Lord G. and George are.

"I got to town soon after five, got out of my chaise in Oxford Road and run to this place, where I found Mr. Dunning on his legs. I had lost great part of his speech, but what I heard was excellent indeed. He stated the corruption of this House and the encreasing interest of the Crown, and ended with a motion that he thought no one could deny: *That the power of the Crown was encreased, encreasing, and ought to be diminished.* This motion, he said, he meant to follow with others as remedies, but did not choose to say *what they were.* Sir Fletcher Norton has spoke very strongly and fully for the motion, and Thomas Pitt, Lord North, and the Lord Advocate and Lord Nugent against it, and, indeed, with a motion to the Chairman to leave the chair. Lord North has been terribly baited and lost his temper. All the arguments against the motion are, that it is an *abstract* question, *no proof*, only *bold assertions; it is speculative*, so round again to *abstract, no proof*, speculative; and these are the only arguments hitherto used. I write in the utmost hurry to save the post. The debate still proceeding."

Postscript.—"Wedderburn is now speaking. It will end soon; all are ripe for the question."

The Same to the Same.

1780, April 7. Arlington Street.—"The news will announce our victory last night, and most of the debate, with tolerable accuracy. Our numbers 233, Ministry 215. My last night's letter to your Grace will tell you the beginning of the debate. The Lord Advocate was forced to

abandon his motion for the Chairman to leave the chair (the only way in a Committee of putting what is called *the previous question*), as it seemed so direct a negative to the prayers of the petitions, that we should have had a most amazing majority. He had candidly leave given him to withdraw his motion. He then tried to amend the motion by inserting such words that might leave a loophole for shirkers to escape at. He moved that the word *necessary* might be inserted. This Charles Fox agreed to, as the question implied the necessity by saying that the power of the Crown *ought* to be diminished. If so, it was *necessary* to do it. His amendment was therefore agreed to, and then the question put and carried. Tom Pitt's speech was very good indeed. He said he honored Lord North's private character, but he feared his proceedings as Minister must have broke in on his private comfort, when he considered the numbers of lives which had been lost, and the numberless miseries brought on individuals, by his most notorious mismanagement as Minister. This enraged Lord North to such a degree that he lost all temper, and he was with difficulty stopped by Burke. The resolutions of the Committee were all reported to, and agreed to by the House of Commons. Last night Lord North made great objection to the precipitancy of this measure, but it was insisted upon and carried without a division, as Mr. Fox said, after the House of Commons had so far proceeded in attending to the voice, and redressing the grievances, of the people, he was sure no Minister would be so hardy as to dare to prorogue the Parliament. In short, my Lord, yesterday was a most extraordinary day, and how Ministry can parry the blow I know not. Rigby, in a most able manner, after the division, got up to cover the retreat of the Ministry and spread his broad shield to secure them, though at the same time he gave them many sly licks and hard blows for getting into such a scrape, but, he said, opposition would be elated too much, quarrel amongst themselves, divide, and prove a rope of sand. He gave Burke an opportunity of making a most funny, laughable speech, at the expense of Lord North. Rigby had said that it was a phenomenon and a curiosity to see a Minister so beat in that House. He thought it proved the incorruptibility of the House and the mistake of the petitioners. Burke said the Minister was a curiosity indeed, fitter for the British Museum than that House, and then launched out into such wit and fun that made Lords North and Germaine's faces most extremely grave, and Rigby's most extremely merry indeed.

"The number actually in the division in the House were 445, beside the tellers and those who paired off. This will convince your Grace how anxious each party was to have the attendance of their friends. Every creature was forced down that could be carried into the House, and it was exceedingly lamented that neither Lord George nor George Sutton were in the house on so very remarkable and critical a day, especially as one of the Manners family, poor old Lord Robert, attended to vote against the question. The Committee sit again most certainly on Monday, and your Grace is desired to send George Sutton up to attend that day. I have wrote to Lord George; and indeed, those who have signed and agreed to any petition cannot, in my humble opinion, either consistent with their word, their honor, or their own consciences, absent themselves from a duty which they have promised to perform, and I am assured that the names of the defaulters will be published, that they may be known by the petitioners in general; indeed, the call of the House, which will be enforced, will publish their names, and I should be unhappy if any of your Grace's family were amongst them. The thoughts of my being present yesterday makes me the less regret not being at Chevely, where I should be most happy to be."

The Marquess of Rockingham to the Duke of Rutland.

1780, April 7. Grosvenor Square.—"I have not had a moment's time to write to your Grace in answer to your letter relative to the business which may come on in Cambridgeshire. I cannot now, but I hope to write and send you an express, which you will receive on Sunday. I write now merely to communicate to your Grace, or rather to congratulate you, that 233 gentlemen of the House of Commons voted in support and were the majority *last night* on the *three* important resolutions. I have also obeyed your commands in regard to sending you a *blank proxy*, which you will make use of and honour me with if you cannot come up to London. I scarce think we can have the debate on the *Contractors Bill* before *Wednesday*, and perhaps not so soon, but really, in *these times*, the presence of your Grace, and of all our friends, are very necessary in London.

"Your Grace's being absent is *thought* to have *occasioned* the *absence* of Lord G[eorge] Sutton and Mr. Sutton. They are said to have been with you at Cheveley, instead of adding two more to our majority."

The Same to the Same.

1780, April 11.—I rejoice in the resolutions which have been come to at the meeting in Cambridgeshire. You should be present for the Contractors Bill on Friday. If you are not in town Thursday night, I will enter your proxy on Friday morning.

The Duke of Richmond to the Duke of Rutland.

1780, April 22. Whitehall.—Sending a copy of the motion which he proposes to make in the House of Lords, relating to the state of defence of the counties of Devon and Cornwall, and the Port and Dockyard of Plymouth.

Lord Barrington, L. Stanhope, and Edward Colman to the Duke of Rutland.

1780, May. Harrington House.—"Lord Harrington having informed us that your Grace was desirous of having his three Murillos, we have had them inspected by Sir Joshua Reynolds, Mr. Cosway, and Mr. Cipriani, whose valuations we have inclosed." *Three signatures.*

Sir Henry Peyton to the Duke [of Rutland].

1780, May 25. Hagbech Hall, near Wisbech.—I have received letters from friends in Suffolk, saying that my brother, Sir John Rous, would be proposed a candidate to represent the county at the next general election; permit me to request your countenance and support.

Robert Croft to the Duke [of Rutland].

1780, May 27. York.—A letter just received from Cambridge acquaints me with the very flattering and unanimous support that your brother (Lord Robert Manners) has met with at the nomination for candidates (for the county of Cambridge). I congratulate you, as I imagine his success at the election is now no longer doubtful.

The Earl of Tyrconnel to the Duke [of Rutland].

1780, June 3.—"I have . . to remind your Grace of a blind organist, nephew to Mr. L. Abbott; I understand he his well skilled in musick, and

I think Mr. Abbott deserves much attention on account of the early and very handsome promise he made me. Mr. W. Abbott wants an organist's place in some church; at present he is only journeyman to Mr. Stanley, the famous blind organist.

Thomas Thoroton to the Duke of Rutland.

[1780,] "July 6th [*sc.*, June 6], Tuesday night." Arlington Street. — "Last night I was a miserable spectator of a mob assembling at Sir George Saville's. I immediately ran to acquaint the magistrates assembled—as I happened to know—in Gerard Street. The Guards were soon there, and by good luck, though the mob got with difficulty into his house, not much mischief was done. They got some furniture and burnt it. To-day a more numerous mob than on Friday beset the Houses of Parliament, which were guarded by soldiers, both horse and foot. No mischief had been done, and the Houses are both up. In the Commons, they came to several resolutions, *nem. con.*, viz. That the insults by the mob on Friday last to the members (passing to the House) and to the House itself then sitting, was a high breach of privilege and an insult on the laws and constitution; and an address to the King was voted, to order the Attorney General to prosecute with the utmost rigour, and also an address to desire His Majesty to order all damages sustained by the riots to be repaired, and that the House would make good the same. Then the House resolved it would most seriously take into consideration the Petition, as soon as the present riots and tumults are over. These resolutions being come to, the House adjourned to Thursday. Lord George Gordon was much attacked in the House by all sides. Col. Herbert wondered at his assurance in appearing in his blue cockade, and declared, if no other member chose the task, that he would take it out of his hat. Lord George seemed much intimidated. Many members spoke to order and deprecated all warmth, though they wished firmness and temper was kept, and Lord George promised to asswage as much as he could the warmth of the mob, and thus we broke up. No molestation whatever occurred to me in coming from the House. A dragoon's horse's legs flew from under him and fell on the man; I ran to extricate him, which I did, and the man was unhurt, but I deserted Charles Turner during this time, who was under my arm before that accident, and I hear that during that time he lost his purse with 20 guineas, his watch, and his hat. I was with Lord Rockingham this morning, who expected his house to be attacked, but he had prepared everything for resistance, and I am, as soon as I have finished this, going to see if I can render him any service. If friends are good for anything it is at such times as these. The Duchess of Beaufort is safe from any attacks, but I have been with her Grace to see that she is easy."

[Lord] G. H. Cavendish to the Duke [of Rutland].

[1780, June 6.] Tuesday night, Ten o'clock. Brookes'.—"As the operations of the mob have been carried on with some vigour, you will not be sorry to be acquainted of their proceedings, though alarmed when you hear them. They last night stripped the house of a tallow chandler in Long Acre, who had appeared as evidence against one of the rioters. They then went to Sir G. Saville's house, which they forced, and did a good deal of damage to. He was not at home, and had very prudently sent away his papers and everything valuable. They have paraded all day Parliament Street and before the House of Commons, and though all the Guards and Light Horse were out, it was with difficulty they

were kept in tolerable order. Lord Sandwich was taken out of his carriage and very nigh torn to pieces, but saved by the Light Horse. The House have resolved to have a committee to enquire and consider of the Acts relating to Popery, on Monday next, if the riots do not subsist (*sic*). The mob have since gutted and burnt the effects of two or three justices of peace, and have set fire to the house of Akerman, the gaoler of Newgate. There are different reports. Some say that all the prisoners are let loose, others that the whole prison is on fire. All the Guards and Light Horse, Horse Guards, &c., are out on duty. Different parties are sent to Lord Rockingham's, Lord Petre's, Sir G. Saville, and every house which is expected to be attacked. Several regiments are ordered to town. Fresh accounts come in every moment. Newgate is on fire. The debtors and rioters are all let out, and they were proceeding to let out the felons. There are different mobs all over the town, and people begin to think very seriously of them. You shall hear from me to-morrow."

LADY E. COMPTON to the DUCHESS OF RUTLAND.

[1780, June 7.]—"I was in hopes to have wrote you a very composed letter to-day, but we have been this evening to the camp in Hyde Park, and to the parade in St. James's Park; there we heard so many different reports and stories that I am quite, I don't know how, nor can I tell what to say to you, or what accounts to send you. There is a great riot now in Southwark and in the Borough. There has been an action to-day at the Fleet prison, which is burnt down, in which twenty of the mob were killed and one officer wounded. People in general seem to imagine this part of the town is quite safe at present, but we sat up till daybreak last night, and intend doing the same to-night. I have been in my habit these two days, ready to fly off to you directly, and I think it very likely we may be with you to-morrow. I hope your races have gone on quietly and pleasantly, that your sweet dear children and your dear self are perfectly well, and that we shall soon meet in happier times—more dreadful ones can hardly be."

WILLIAM PITT to the DUKE OF RUTLAND.

[1780, July ?]—"I am extremely mortified to find myself unexpectedly obliged to leave this part of the world a week sooner than I intended, which disappoints me of the pleasure of paying my respects at Chevely. I should have done it before this time, but that I have been continually watching to learn something of Mr. Mansfield's intentions, in hopes that I might have been able to canvass the resident members before I went for the summer. It now seems uncertain whether he will not take the chance of a dissolution, and put off his appointment till the autumn. I shall, however, prepare myself as much as possible on the contingency, and, indeed, I have the satisfaction of thinking that either he must vacate before the dissolution of this Parliament, or the dissolution must take place before Lord Euston is of age, in either of which cases I entertain very little doubt of success. I venture to trouble your Grace with the enclosed list of the persons whom I think your interest may secure to me. I have included some in the number who, I believe, could not be for me if the contest should be singly between me and Mr. Mansfield, as well as some few to whom I am not certain that your Grace can find means of applying. I have put an 'M' opposite the names of the first, and a quære on the others; I have likewise marked with a 'p' those who have already promised me against Mr. Mansfield. There are several who, I make no doubt, may be depended upon in case Mr. Mansfield should vacate,

without your Grace having the trouble of making a second application. If there are any with whom you may judge it necessary, I flatter myself you will have the goodness to apply to them as soon as you conveniently can.

"If an opportunity should offer of speaking to Dr. Farmer, it may be very useful; but if none should, before the vacancy, I am persuaded he will at least not have engaged himself against me. Mr. Squire, too, may possibly be fixed by your expressing your wishes to him. He tells me that he had intended to give Mr. Mansfield one vote and me the other, at the General Election, and seems rather disposed to be neutral on the expected vacancy. He said he hoped you would not consider it as any breach of his promise, which, to be sure, strictly it is not. I think it on the whole very likely that your interposition might decide him, though I am sensible that there is some delicacy in such a case. Your Grace will see in the list the names of Mr. Easton of St. John's, and Mr. Town of Emmanuel. I understand from Mr. Cant that they have both connections at Grantham, who would be influenced by you. I beg a thousand pardons for troubling you with so long a letter on this subject. If anything should arise which you wish to write to me upon, will you have the goodness to direct it to New Buildings, Lincoln's Inn, and it will be forwarded to me on the Western Circuit, in which I shall be initiated this summer. I hope your Cambridgeshire canvass goes on prosperously, and most seriously wish it the same success with that which you have the goodness to undertake." *The end of this letter is missing.*

F. Bartolozzi to Mr. Thoroton.

1780, July 1. Bentinck Street.—Informing him that a proof of the Duchess' portrait will be ready to present to her Grace on Wednesday next.

Lord Robert Manners to his brother [the Duke of Rutland].

1780, July 19. The *Resolution*, off Sandy Hook.—"We arrived here, my dearest brother, the 15th, after a very fine passage of two months, without any remarkable occurrance but the taking of a homeward-bound French East-Indiaman. You know the purport of our expedition is the following of De Ternai, who sailed, it was supposed, with four sail of the line and transports containing three or four thousand men with intention to take Halifax or Quebec. We were informed on our arrival that he came on the coast four days before us, and the captain of the *Triton* frigate has been chased six hours, and escaped by throwing his boats and other lumber overboard, as the French ships out-sailed him. He says he counted seven or eight sail of the line with 30 transports. This information has prevented our going within the bar, and will bring Admiral Arbuthnot with all his ships out to-morrow, though it is not in the least credited by the people at New York, who say it is impossible for a French squadron to be on the coast without their knowledge; however, the Admiral seems to pay more attention to the judgement of Captain Lutwidge than to all their intelligence, and is determined to go out the very first wind. I am sure I do. The taking of Charlestown has infused the greatest spirits into everybody. The affairs in America are now considered as entirely decided. South Carolina being taken they say the other will fall of course, which, added to the known disunion of the Virginians, will intimidate Pensylvania, which, when we are in possession of it, will have so great an effect on the Jersies that with proper encouragement they will join us.

"A small expedition to Rhode Island, a few foraging parties, will close the year, and leave nothing to be done but an expedition against Boston in the spring, and then the Americans must lay down their arms, and with unconditional submission sue for peace on any terms we may please most graciously to give. People who are not quite so sanguine give some time longer to accomplish it, but they are lookt upon as disaffected and ignorant, and justly held in great contempt. As you see by the above plan, there is nothing upon earth so easy. The immediate alteration of politicks in the inhabitants of Charlestown puts me in mind of a revolution in an opera, where the usurper being killed, his guards, who had so faithfully served him through the three first acts, not only quitt him, but become part of the train of the new monarch and join in the chorus; for no sooner did Charlestown surrender than the Loyalists (for the friends to government are very numerous in all the provinces) flockt in in abundance, did everything in their power to assist us, and the troops who opposed will now become a militia, and the people in general very good subjects. I hinted once my doubts whether the people who had come into our measures so quickly should be trusted, as I thought such a change might be suspected, but was taken up short as one who spoke irreverently of a set of men who, doubtless, were always as well attached as the people at New York, but for certain reasons were in a manner compelled to side with the rebells, but would now make very faithfull subjects, which, indeed, is the case with most of the colonies, where they are obliged to conceal their sentiments untill an opportunity offers like that at Charlestown to reveal them without fear. I must now begin to enquire after you all in England, first in private, then in public matters, which I desire you to inform me of, at least concerning your private ones. With this I shall finish, as I do not perceive any liklyhood of intelligence or news to send you.

"This very moment an express is arrived that the French squadron is at present riding at Rhode Island. Admiral Arbuthnot has made the signal to weigh, and we are proceeding with all the ships for the attack, leaving orders for all cruizers as they come in to be sent after us to Rhode Island. Our squadron consists of nine sail of the line, a 50-gun ship, and two of 40 guns. Sir Henry Clinton is embarking with 8,000 men, and will pass Hell Gates and so through the Sound, by which means he will be there as soon as we shall, since we must go round Long Island. This news and our being already under sail prevents me from sending this letter by the pacquet as I intended; I will therefore give you an account of our proceedings in this expedition; as my duty calls me on deck, I shall break off till I have something more material to relate.

"July 22d, at Night, off Rhode Island, at anchor.

"Three days at sea brought us in sight of Rhode Island and the French fleet. We count at present 17 sail, 7 of which appear to be of the line, the others frigattes, but we are at too great a distance to determine; to-morrow, I suppose, we shall go in nearer. The troops are not yet arrived, but are expected to-morrow or next day, as they have a very favorable wind. There is one thing which I can't help remarking, as it appears extraordinary and almost unaccountable, that the French should be at anchor a week in Rhode Island without our receiving any information of it, in a country where we have so *many friends*, and the account brought by Capt. Lutwidge in the *Triton* utterly discredited, so certain were the people of New York of receiving immediate information if such an event should happen."

"23d, at night, off Rhode Island, close in.

"We weighed this morning at daylight, and have been working up this whole day; we are at present at an anchor about two leagues off, where we have had a fine view of the enemy. They consist of eight sail of the line and six frigattes of 32 guns, moored across the harbour, seemingly well flanked with batteries; they carried out a hundred guns, which we perceive to be very largely distributed near and about the entrance. The report is that the Americans have ceded Rhode Island to the French, and I beleive with some truth, or else the French have taken possession of it, as the white colours are flying in different parts of the island; they have three encampments, and appear to be in readiness to receive us. To-morrow will probably make us somewhat wiser, when you shall know everything I am able to tell. God bless you, my dearest brother.

"August 4th, Block Island.

"You will wonder at so long a delay when you probably expected to have heard in this something material, and I assure you it was for the sake of telling what you might wish to hear that I waited so long. The next morning the Admirals, attended by two frigattes, reconaitred the place in a boat, where they found that the French have not been idle, for, besides the fortifications that we had erected during our possession of the island, which were not destroyed at the evacuation, they have thrown up several works. The little islands and rocks are well fortifyed with guns; the hills and other advantageous spots are planted with small batteries to annoy ships attempting the entrance, especially one battery, which is very strong and commands the whole entrance of the harbour, as it is situated on an island in the middle, and will rake every ship as it comes in. About noon the Admiral returned, weighed, and stood in for Block Island, where we now are, still riding in sight of the French, though at a great distance. On the 23th the General's Aid de Camp arrived and informed the Admiral the troops were in Huntington Bay all embarked, and he was going to reconatre the place; a frigatte was dispacht with him to Rhode Island, and also to inform the General we were all prepared. This day, the 4th of August, the Aid de Camp returned to inform the Admiral that Gen. Clinton, from the information he had received, found it so strong as not to be attackt with any probability of success, and that he had not men enough for a regular attack, and has actually disembarked his troops. It is now twelve days that we have been here riding in the open sea, waiting for the army, and as without them the taking of it would be impracticable, the Admiral intends to proceed to Gardiner's Bay to wood and water the ships and refresh the people, as they begin to grow sickly, especially our squadron which came from Europe, some ships having 150 and 200 men sick. I am, I beleive, in the most healthy ship in the squadron, having only 17 men ill; how long we shall remain so I will not pretend to say, as some begin to have symptoms of the scurvy, and we have had as yet no fresh provisions or vegetables to correct it, and I hear we shall not get any great plenty where we are going. I will not seal this till the moment I send it, in case anything should arise worth relating. The attack, I beleive, is given up; however, we have a chain of frigates cruizing from hence to Rhode, and we still see them.

"August 14th, Gardiner's Bay.

"We have compleated our water, and are going to sea immediatly; our destination is a profound secret. The Admiral sent his first Lieutenant

with a flag of truce to Mr. de Ternai, relative to some prisoners, and he is returned. The French have eight sail of the line and 6,000 troops, and are very strong; whether it is in consequence of this or any other intelligence that we are going out I cannot at all say, but it is a very sudden resolution. There is a report that the Comte de Guiche is coming with a force from the West Indies, as he sailed from Martinique with 15 sail of the line; if this intelligence should prove true we shall be soon in a very unpleasant situation. We depend on Sir George Rodney's giving him employment enough on his own station, or else we shall be blockt up in New York or be obliged to leave the coast. The French expect a reinforcement of four sail of the line and 5,000 troops. We remain in the greatest uncertainty in respect to our destination, being constantly in readiness for action, and not a moment beforehand knowing where we are going.

"Having now told you all I know, and that is very little, I shall send this away on board the Admiral, who will send it home amongst his dispatches, where I hope you will get it."

The Marquess of Lothian to the Duke of Rutland, in Arlington Street.

[1780?] July 26. Southampton.—"Mr. Ekins called upon me yesterday, and after much conversation about you, and my informing him of all the little I knew about your politics, he seemed to think you might be of use to him, as there are two vacancies now of prebends, one at Windsor, the other at Westminster. You best know how you can move in it, but I thought it proper to give you this information, as his modesty, uncommon enough in his profession, seemed unwilling to trouble you."

William Preston to the Duke [of Rutland].

1780, July 31. Trinity College.—Cautioning him in reference to an election agent, and making various suggestions as to canvassing and bringing up voters for the county.

J. Williams to the Duke of Rutland, at Belvoir.

1780, August 8. 5, North Street, London.—Offering his services in reference to the Cambridgeshire election.

The Marquess of Rockingham to the Duke of Rutland.

1780, September 12. Wentworth.—Concerning the election for the city of York. Sir Henry Duncombe is a candidate for the county [of York]. I hope he will have your support. He appeals to *the necessity* that *in these critical times two members should be chosen who might be depended upon as opposers to the present ruinous Administration.* I beg you to order letters to be written immediately to any agents on your estates in Yorkshire, signifying your good wishes for Sir G. Saville and Mr. H. Duncombe's success, and also to apply, if you think proper, to Mr. Manners. There are several freeholders in the neighbourhood of his estates. Mr. Lascelles has desired a meeting of his friends for Saturday next. He has also published a most *furious advertisement.* I wish to hear good accounts from Cambridgeshire. I am glad Scarborough is over and well. The election for the county of York is appointed for the 27th. I am grieved that the *squire* of Windsor prevailed against Admiral Keppel.

D. Pulteney to the Duke [of Rutland].

1780, September.—An election ballad, addressed to the Cambridgeshire freeholders, in support of Lord Robert Manners, with a letter suggesting that it should be printed and circulated.

Dr. E. Barnard to the Duke of Rutland.

1780, September 12. Paul's Cray.—Excusing himself for not having taken part in the Cambridge [University] election.

The Duchess of Rutland to the [Duke of Rutland].

[1780, September 12,] Tuesday. London.—I arrived here yesterday, a good deal fatigued. Mr. Gardener will attend on Thursday at Cambridge, and certainly give Lord Robert one of his votes. Mr. Bird, at Hockerill, will give Lord R. a single one.

The Same to the Same.

[1780,] September 13, Wednesday. London.—I have sent Mr. Stanhope's letter, and written to Mr. Manners, who I hear has got four votes. I hope you will come to me triumphant to-morrow night or the next.

Charles James Fox to the Duke of Rutland, at Chevely.

1780, September 14. London.—"Mr. Ramsden, the optitian in Piccadilly, says he will not vote for me unless applied to in your Grace's name.

"It is unreasonable, in such a time as this, to expect you to write yourself, but perhaps you would either order somebody to write for you or direct somebody here to speak in your name; it would do as well. I wish you all success possible in your Cambridgeshire business, and am, with great truth and regard,

"My dear Lord, your Grace's most obedient, humble servant,

"C. J. Fox.

"At the close of the poll to-day:—

Rodney - - - -	4,230
Fox - - - -	3,805
Lincoln - - -	3,070"

The Duchess of Rutland to the Duke of Rutland, at Chevely.

[1780, September 15,] Friday. Arlington Street.—"I must write two words to congratulate you, and tell you how I am quite out of my wits with joy at our triumph in Cambridgeshire, and to be gained in so high a style too; it is delightful. We are all covered with orange ribbons here, but I think you might have sent us a few cockades with the name wrote on them." Come as soon as you can. I have informed everybody of the good news whom I thought would be interested. Lord Lothian is rejoiced to hear it.

William Pitt to the Duke [of Rutland].

[1780, September 15,] Friday night. Lincoln's Inn.—"Accept my most cordial congratulations on the glorious triumph of yesterday. I lament that I had not time to offer them in person and share in your

joy at Chevely. Besides the advantage gained by your victory to the cause of the public, believe me, no one can be more truly interested than I must ever be in the success of all your wishes. I was prevented from fulfilling my engagement yesterday by the difficulty of getting horses. I could not help troubling you with this hasty scrawl, which I will not add to unnecessarily."

John Wilkes to the Duke [of Rutland].

[1780,] September 18, Monday. Prince's Court.—"I beg leave to congratulate your Grace on the splendid victory in Cambridgeshire. I should most certainly have had the honour of serving under the banners to which I so heartily wished success, if my duty to the freeholders of Middlesex had not detained me that very day at Brentford, although we had not there the slightest skirmish. I am delighted that the Jew was entirely vanquished in so well fought a field. It was high time to drive the boar out of the garden."

The Marquess of Rockingham to the Duke of Rutland.

1780, September 16. Wentworth.—Mr. Lascelles has declined the contest for this county (York). The meeting of his friends was not numerous or considerable. Great spirit and unanimity prevailed throughout this county in favour of Sir George Savile and Mr. Henry Duncombe. A large subscription was entered into in their support.

Lord Robert Manners to his brother [the Duke of Rutland].

1780, September 20. The *Resolution*, Gardiner's Island Bay.—Since I wrote by the *Renown* our whole employment has been cruizing off Rhode Island in sight of the French, who do not seem to have any desire of hazarding an action.

We were preparing for a cruize when we were stopped by the arrival of Sir George Rodney with ten sail of the line at Sandy Hook; whether he is come upon a supposition that the Comte de Guichen was meditating a blow there, as he has certainly left the West Indies, or from any other intelligence, I know not. Admiral Arbuthnot had no previous notice of it, and we are now waiting for the arrival of Sir George or his orders to determine our destination. My particular one, I have no doubt, will be the West Indies, therefore I shall desire you to write to me there, but so little can I guess in what part that it must be the old seaman's direction, "Windward Islands, Jamaica, or elsewhere."

"Lord Cornwallis has gained a very complete victory at South Carolina, where he displayed the greatest genius and ability."

Postscript.—"Pray send me a Delphin Horace, Morogues *sur la Tactique Navale*, a Court Calendar, or any other book or new pamphlet."

Dr. E. Barnard to the Duke [of Rutland].

1780, September 20. Paul's Cray.—"I beg leave to present my congratulations upon Lord Robert's success, though I knew not where to find the voter Bentham. Your great majority proves that—*non tali auxilio*—I am here almost out of the world, and sometimes out of the reach of the post." My neighbour, Mr. Townshend, is from home electioneering.

JOHN BUTCHER to the DUKE [OF RUTLAND].

1780, September 21. Cambridge.—The bill at the Sun Inn is so large that I could not pay it without express instructions. The White Bear bill is only 450*l.*, the Crown 600*l.* odd (Lord Robert and Mr. York jointly). The bills of the other houses are settled, but greatly exceed my expectations. Yet, I flatter myself, your Grace will find the whole expense under 12,000*l.*, which, I am well assured, is not half the amount of Mr. York's expense. There polled for Lord Robert 580 single votes, or thereabouts, and more than 200 were left to poll when Sir Sampson declined, and, considering that Sir Henry Peyton polled 200 jointly for Lord Robert and Mr. Yorke, who would have polled singly if wanted, I am justified in saying, though I am laughed at for the assertion, that Lord Robert could have polled nearly 1,000 single votes.

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

1781, September 27. The *Resolution*.—"As soon as we arrived off Sandy Hook from the West Indies, we were ordered to sea without crossing the bar, to look for the Viscomte de Barras with the Rhode Island squadron, consisting of seven sail of the line, and after being out a few days to the southward, on the 5th saw Le Comte de Grasse at an anchor in the Chesapeak, where he had arrived two days before us with twenty-eight sail of the line from the West Indies, twenty-four of which were actually with him. When he perceived us he stood out, forming his line, and an action commenced at four o'clock in the evening which lasted till sunset, when both sides desisted firing. The next day on our side was cheifly spent in repairing our damages. The enemy, partly by carrying more sail and partly from a shift of wind, gained the wind of us, where they remained three days afterwards, and though they constantly had it in their power to give us battle the whole time—our fleet being to leward and under very little sail—yet they uniformly declined it. It appeared extraordinary at the time that the enemy, with five sail of the line superior, should avoid an action, but they had a deeper stake; their object was Lord Cornwallis and the Chesapeak, where they had disembarked, as we afterwards found, 3,000 men, and had left four sail of the line, which they soon regained, leaving us indeed the sea, but at the same time a disabled fleet and incapable of acting offensively, therefore we proceeded to New York, where we arrived the 20th. The ships that wanted but little repair remain at Staten Island, the rest proceeded up to the North River, amongst which the *Resolution* is one, having two of our lower deck beams damaged, one of which it is absolutely necessary to shift should there be timber large enough in the yard, and the cat-head and rails, mainmast and bowsprit to fish, and a great deal of our rigging to shift, and several other damages which, as you are not seaman enough to understand, and I am not likely to get them repaired or replaced, will not trouble you with the catalogue.

"I need not point out the situation of affairs in this country, though Admiral Digby's arrival has given great hopes to many people, especially on the shore. I confess it does not afford much to me from the arrangement of Mons. de Grasse's squadron, and which, if joined by De Barras, will have such an immense superiority as to render the forcing his line next to impracticable as long as he remains where he is. I fear De Grasse is too good an officer to abandon such a strong post unless forced by bad weather or a want of provisions, which I do not find any cause to suppose will happen. Admiral Digby has arrived at New York, and there has been a counsel of war held; what the result is I know not, but from the damages and wants of all our ships, and the total emptiness of all the

store-houses, I cannot even guess when we shall be ready. We felt severely the danger of keeping coppered line of battle ships long out without looking at their bottoms, as the *Terrible*, one of the finest seventy-fours we had, by her exceeding bad state even before she left the West Indies, and by the firing of her own guns, and the enemy's shot in the action, was found in so desperate a state that she was ordered to be scuttled and set on fire, which was done the night after we lost sight of the French fleet, it being thought impracticable to keep her above water till we got into port.

"Poor Finch commanded her, and has undergone vast fatigue in her both in body and in mind; his situation has all along been most anxious and distressing, and indeed all his friends in the fleet have almost felt as much, knowing that her fate would probably be decided either in an action or the first gale of wind, but fortunately it happened so that we saved all her men. I shall send this letter by him; he is a worthy and honest man.

"News is just arrived that the Rhode Island squadron has joined De Grasse, which makes the enemy thirty-five sail of the line and a 50-gun ship, moored in a double line. Another council of war has been held between the Generals and Admirals, and it is reported that it is determined to make an attempt on their line, and a desperate one it will be if put into execution, and, if not, Lord Cornwallis and his army, I am afraid, are in a most perilous situation, from which they cannot be extricated by any other means; in short, it is so melancholy a prospect to look forward on that I wish to drop the subject and wait calmly for the event, which one way or other must soon happen. If we don't succeed in our attempt, and are repulsed, the fate of America is decided, and the West Indies will be left an open prey to the French arms; and shou'd we succeed so as to open a passage and throw in succour, I fear it would be only a temporary releif, as probably in the course of things such superiority must at last carry the point."

"I had as nigh an escape in the last affair as I ever wish to have; the peak of my hat was shot off by a ball; I felt a slight inconvenience from it for a few moments, but no injury. I am not without hopes of seeing you soon. Another action will render it highly necessary for the *Resolution* to return home, unless they intend she shall share the same fate as the *Terrible*, but my comfort is—if it is any comfort—there are several ships worse than mine; indeed, the *Ajax* is almost as bad as the *Terrible* was, and one or two more not much better."

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

[17]80, October 4. The *Resolution*.—I am in a great hurry, occasioned by our immediate sailing. An extraordinary event has happened. "General Arnold has quitted the Americans, and is at present at New York with about thirty other officers and gentlemen. Some say he had a design to have seized Washington, and that it was prematurely discovered; others make Washington an accomplice, and that it is from dread of the French. A report prevails that there is a negotiation on foot with Washington. These are only surmises."

"We are now under sail, going off Rhode Island, it is supposed to prevent the French from getting out, should this be true."

THOMAS THOROTON to the DUKE [OF RUTLAND].

1780, October 11. Screveton.—Concerning arrangements for mortgages. *On the second leaf is a letter from Levett Blackborne to the Duke of Rutland on the same subject.*

The Duchess of Beaufort to the Duke of Rutland, at Chevely.

1780, October 30. Berkeley Square.—Reporting convalescence of her daughter (the Duchess of Rutland) and the good health of the children, including the new-born.

Lord Robert Manners to his brother [the Duke of Rutland].

1780, October 31. The *Resolution*, New York.—Sir George Rodney "has positively told me he should take the *Resolution* with him to the West Indies, which I am not at all displeased at, as I absolutely loath this station. I have not had much conversation with him, occasioned by the disagreeable service I am on at present—the court martial of Captain Bateman, of the *Yarmouth*, for misbehaviour in the April fight—as it would not be decent for any of the members to have private conversation with Sir George, he being the prosecutor; but he has given me to understand he will appoint me to any ship that becomes vacant if I wish to quit the *Resolution*." "This station, besides its natural disagreeable service, is rendered more so by the total disagreement of the commanders-in-chief. They have both written home complaints of each other, and Sir George has taken Clinton's side, and has wrote also against Arbuthnot. Commodore Drake, second in command, is hardly on speaking terms with any of the three, so you may guess how the service is carried on. We shall sail in ten days. I am extremely impatient to be gone."

The Earl of Tyrconnel to the Duke of Rutland.

1780, November 30.—Enclosing a letter reporting the death of a surveyor of customs at the port of Scarborough, and suggesting that the Duke should ask Lord North for the place for a protegé. *Enclosed is a letter from John Robinson, Scarborough, November* 26, *reporting as above.*

The Earl of Shelburne to the Duke [of Rutland].

[1780, December 21,] Thursday. Berkeley Square.—"I shall attend to-morrow for the purpose of saying a few words to signifye to the House the reason of my deferring the motion. I admire your Grace's philosophy, and will endeavour to imitate it by going to Bowood as soon as I can, without any loquelish principle or wish." In all seasons and all places you may rely upon my sincere attachment.

William Pitt to the Duke [of Rutland].

[1781 ?] January 31. New Buildings, Lincoln's Inn.—"Having so often lately had occasion to trouble you on my own account, what apology can I make for venturing to break in upon you on that of another? A friend of mine, of the name of Robinson, who was formerly of Trinity College, lives at Leicester, and serves two curacies in that neighbourhood, has understood that you are looking for a domestic chaplain, and has written to desire me to apply to your Grace in his favor. I cannot be guilty of making any request on such a subject, but as I was at college a good deal acquainted with him, it is impossible for me to decline mentioning the circumstance. If your Grace should have the goodness to make any enquiry about him, and the result should be favorable, I can only say that I shall be very happy in being the means of introducing him to such a protector. What qualification your Grace

requires, or he possesses, for such a situation, I do not pretend to know; as an acquaintance and friend, I have found that he had a great deal to recommend him. I believe his circumstances at present are rather distressing, and, from the behaviour of some of his relations, very different from what he had reason to expect. You will, I trust, on this account forgive my taking this liberty. I left Cambridge a few days ago, and without much anxiety, though Townshend remained canvassing, in possession of the field. I hope to have the happiness of seeing your Grace for a few days in town. I had a letter this evening from my brother at Plymouth, written last Wednesday morning; he expected to sail in a few hours."

* William Pitt to the Duke [of Rutland].

[1781,] March 9, Friday. Lincoln's [Inn].—You will, I am sure, admit Parliamentary engagements as an excuse for my not instantly thanking you for your letter. The favourable idea you have received of my first attempt [*i.e.*, first speech in Parliament, 26 February 1781] I must attribute to a partial reporter, and, what is yet more, a willing hearer. If, however, it has been in any degree successful, what effect should it have but to revive and increase, if possible, my sense of that friendship which has enabled me to pursue the favourite objects of my mind? I cannot deceive myself with the thought of anything which relates to me being to penetrate, as you say, the obscurity of retirement, but much less can I bring myself to think of that retirement as applied to your Grace. Let me rather hope that I shall have the satisfaction of fighting under your banner in the cause to which we are both attached, and of proving to the world how much I know the value and feel the honour of such a connexion. I leave town on Wednesday to join the circuit. Tell my brother, for the peace of his conscience, that the loss of a vote was not felt yesterday, as the Contractors Bill was not opposed. The time may soon come when a vote will be of more consequence. [*Correspondence, p.* 1.]

Lord Robert Manners to his brother [the Duke of Rutland].

1781, May 8. The *Resolution*.—I am now what you so much wished me to be, that is, captain of a 74-gun ship, and, what is more, she is allowed in general to be the fastest sailer of any line battle ship or frigate in the West Indies. If complete in her complement of men and in good repair, she would be the most desirable ship in the service, but at present is a hundred and twenty-five short.

It has been thought prudent not to risk an action with the French, but to proceed to Barbadoes to guard that island, as it was generally supposed its reduction was the immediate object of the French Admiral.

June 15.—"We are just arrived at Barbadoes, where I own I hope we may make some stay to recruit our people, who are fairly worn out with keeping the sea, and the want of fresh provisions and vegetables. The first I do not see much chance of getting here, as it is beyond the price Government allows; but unless Sir George Rodney breaks through that rule, we shall not have men to fight our ships. Some of the ships have lost 70 men and have 200 sick." If I were obliged on my oath to say the cause of their death, I should say they were starved, for though they have the same allowance as in other countries, the salt provision, which is generally very indifferent, has not nourishment sufficient to supply the prodigious diminution of strength the body undergoes in this torrid climate. You will naturally ask how I like this country, and if it

agrees with me. I answer, exceedingly well, and I do not know that I have ever enjoyed my health better.

Young Brown is with me. He is a very fine boy. He is rather young, but I have got him appointed my acting lieutenant, and if I can overcome the difficulty of his not having served his time, I would get him a real commission.

"The time now seems big with events. Twenty sail of our ships and twenty-four of the French are in the West Indies, and there is a report the French have been joined by their ships from America."

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

[1781,] June 20. The *Resolution*.—I imagine our immediate destination will be America, during the hurricane season. The French are still in Martinique.

C. J. GREVILLE to the DUKE OF RUTLAND, at Chevely Park.

[1781,] June 27, Wednesday. [Admiralty.]—Concerning some naval encounters of the *Flora* and the *Crescent* in the Mediterranean.

JOHN ROBINSON to the DUKE OF RUTLAND.

1781, July 8. Custom House, Scarborough.—Reporting the death of John Burgh, collector at the port of Whitby, and asking the Duke's interest to obtain the appointment.

WILLIAM COLE to the DUKE [OF RUTLAND].

1781, July 26. Ely.—Concerning subscriptions for the river Cam.

JOHN BUTCHER to the DUKE [OF RUTLAND].

1781, July 27. Cambridge.—Mentioning a proposal to oblige the sheriff with a carriage and four to attend the judges; and asking for further directions as to the outstanding election bills.

E. SUTTON to THOMAS THOROTON.

[1781,] July 27. 20 leagues off the Cape of Good Hope.—"You will doubtless be grieved to hear the disagreable situation I have been in from the time we got into Praya Road after the action with the French at that place. I will relate it literally as it happened, and in as concise a manner as possible. I was anchored the outermost ship a full mile, and made the signal to Commodore Johnstone for fourteen sail, at a little after nine in the morning. He came on board the *Isis* and stayed about five or ten minutes, scarcely spoke to me, and seemed in a terrible haste. I begged he would send me a few troops or men as the *Isis* was sickly, short of complement 14 men when we sailed from England, and 25 men ashore watering. The reason of my requesting some men of him was on account of laying the outermost ship, and knowing the weight of the action would lay on me, and the probability of the ship being cut off, as no ships were near to support her; but he in his coarse way made answer, 'Why do you not take better care of your ship?' He had scarcely left the *Isis* before the French Commodore came round the point, without colours till he got upon our bows, then hoisted French colours and began a very heavy fire; four other French ships did the same, and the French Commodore and another came under our stern as they quitted the bay, so near that you might have shot any

person with a pistol; the *Hannibal* came as near ahead. We fortunately suffered very little in point of men, but the rigging and masts were very much damaged. The French quitted the bay at twelve. At a little before three, Johnstone went out immediately after the *Hero*, who came so near that I spoke to Captain Hawker; begged he would acquaint the Commodore I would be with him immediately. At this time Commodore Johnstone had my signal flying. At about ten minutes after the *Hero* had passed the *Isis* was under sail, and the *Monmouth* was passing me, going out within hail. I run up to the Commodore, and he hailed me; asked me if I was ready for battle. I told him yes, as ready as I could be. He said he was going to engage immediately; I said, 'Very well.' In talking with him I mentioned I wished I had got a mizen-topsail yard up, which was shot away, as was the mizen-yard, and down upon deck. He replied, 'Never mind your mizen-topsail yard'; and was rather rough in his manner of speaking. I then told him I did not mean to make him any excuses, that I would follow him to the last moment, and repeated it twice or thrice. He made no answer, and whilst I was speaking to him my fore-topmast went away from the wound it had received, and the *Romney* shot ahead of the *Isis*, as I could not set my foresail, and as the wreck of the fore-topmast fell over the foreyard; but luckily I got the fore-topsail set immediately, and had it been anybody but me, it would have been looked upon as a very brisk manœuvre; at least, many people would have tormented people's ears with it; and in five minutes I had my foresail set, and under the same sail with the Commodore. By this time the Commodore had got a good way ahead of me—a mile, or perhaps a mile and half—from my not being able to set my foresail, and from towing the wreck of the fore-topmast. In this situation he made the signal for the line a battle abreast, and my signal for being out of the line; this was a little after five in the afternoon. All this time we never bore directly down upon the enemy, who were about five miles from us, their dismasted ship in tow. At six o'clock or ½ after five he made the signal for the line ahead, by which means, as he had run past the enemy, we soon got into the line, the French about two miles from us. When in a line ahead, the Commodore put his helm up as if he meant to engage, but never stood long toward them; but at last he got so near that had he steered for them a quarter of an hour the French would have begun firing, which made me send word down to the officer on the lower gun-deck to desire he would be very cautious not to let the people fire when the French did, for I meant to run close on board before I would have them fire. I then called down from the gun-way to the people to desire they would not think of firing till we got close, and not till the upper deck guns fired. About six the sun set, the enemy very near, for we now and then went slanting down to them for a little while; at about eight at night the Commodore made signal to speak the sternmost ships. As I was next to him I soon came within hail, and for the first time he spoke civil, which was remarked by the people, who called out, 'By God, we have pleased the old Commodore at last!' When he spoke to me, he said, 'Sutton (or it might be Captain), how do you make it out?' I told him very well. The French lights were clear in sight. He then said, 'Set your main and crowd all the sail you can for Saint Iago (where I am going).' I informed him I was fearful of setting my mainsail on account of the mast, which had received a large shot directly through the middle, and I dare not hoist my main-topsail, for I was certain the main-topmast would go, for it was shot half in two. I did not tell him about the main-topmast, but he called out, 'Run no risk of your masts, but carry all the sail you can,' which I did. The

next morning he came within hail of the *Isis*, and asked what damage we had received; he then came on board with his lieutenant. When he came on board he said, 'Where are your damages?' I shewed him the mainmast and the mizen-mast, which was shot a third through, that the foremast had a shot, and the bowsprit was lightly touched, that the bobstayes of the bowsprit were shot, and the stayes of every mast, and all the boats, &c., &c., and a large shot through the rudder. He laughed, and said all these things were nothing, and said gentlemen would enquire into my extracrdinary conduct. I asked him what extraordinary conduct of yesterday. I told him he might do as he pleased, I did not care. He then went on the forecastle, and said something on the forecastle which vexed me, and I told him he might do what he pleased, that I did not mind him, that I did [not] care how soon I was brought to a court martial. He then came and looked at the mainmast, and said, 'To be sure, Captain Sutton, it is a bad shot, and so is the mizen-mast, the rigging of the bowsprit badly shot; but do not let you and me use coarse language.' I informed him I had no intention of the sort, that I meant nothing but civility, so long as he treated me properly; that I conceived myself under obligation to him for the favour he did me in asking for the *Isis*. When we got into Praya Road he said, 'You remember what passed at sea?' I said, 'Yes,' but 'if you have a mind you may go home with my dispatches.' I told him I could not think of bearing the stigma he had thrown on me, without a court martial. 'I shall be at home in a few months, and will bring anybody you please, but you had better consider for an hour and write me word,' which I did, and wrote to him that I could not accuse myself of injuring the service, and would take the judgment of a court martial, but would not quit my ship; upon which he put Captain Lumley on board to act. I then applied for a court martial, which he never has granted. Commodore Johnstone has made a fine fortune by the prize which he took at Soldanna Bay. I think it will be rather hard if I have not a right, as I am properly captain of the ship, and Captain Lumley is only acting; however, at any rate I am determined to prosecute Johnstone, for a man cannot be guilty till he is tried. I wish you would advise with Bradly, for the earlier application is made in these cases the better. I have the pay of the ship, I believe, but that is nothing in comparison with prize money."

Lord Robert Manners to his brother [the Duke of Rutland].

1781, July —. The *Resolution*, St. John's Road, Antigua.—I have just returned from a court martial, which has ended in condemning to death sixty-four men for mutiny on board the *Santa Monica*.

"We expect to leave this island shortly and go to compleat our water at Montserrat, and then proceed to St. Eustatia, where we shall learn our destination, during the hurricane season." Sir George Rodney goes home immediately, I believe.

"I do not think things seem to be in the most flourishing situation in this country, nor indeed anywhere. I wish heartily to hear from home some good news, as we are tired and dispirited with hearing of nothing but misfortunes."

Henry Hope to Sir Joshua Reynolds, P.R.S.A.

1781, August 14. Amsterdam.—I "learn from Mr. Metcalfe you had my letter which acquainted you of this expedition in regard to the Friesland Girl. She is still in my possession for want of a conve-

nient occasion of sending her to your embrace, and I fear I must detain her here all winter on this account, which, however strange it may appear, will be a great misfortune to me." I send account of purchase, and have drawn on you for the balance.

RALPH HEATHCOTE to the DUKE [OF RUTLAND].

1781, August 16. Sileby.—Requesting, on the plea of age and desire of tranquillity, that his name may be left out of the next commission of the peace.

LORD G. H. CAVENDISH to the DUKE [OF RUTLAND].

1781, August 28. Plimpton.—Concerning movements of the fleet, and some sporting matters.

THOMAS THOROTON to the DUKE OF RUTLAND, in Arlington Street.

1781, September 8. Screveton.—"We were to have set out for Cheveley the next day, when we received a letter acquainting us that the combined fleets were off Plymouth, and that all officers were ordered to their regiments, that Lord George, who was on his journey to Kelham, was overtaken by an express and was gone back to his regiment. This news stopped us, till Katherine's letter arrived, which confirmed us in the resolution of stopping till we heard further. It is confounded unlucky. I do not apprehend the least danger of an invasion, but such a fleet blocking up our Channel will, I fear, confine your Grace longer than we could wish. However, we are ready to set out for Cheveley the very moment we hear your Grace is on your return to that place, and we heartily hope your journey will be no further than London, but pray let us hear your motions, as we shall hold ourselves in readiness to attend your Grace's call."

DR. RICHARD WATSON to the DUKE [OF RUTLAND].

1781, September 28. Cambridge.—I owe many acknowledgements for your kind attention during my illness. I hope soon to set out for Westmoreland, in hopes that my native air will restore me. "Enough of self; and yet politics is the worst of all possible subjects, for, supposing the end of all our obstinacy and folly accomplished, supposing America subdued, what will you do with her? You have no prison large enough to hold her, you have no troops numerous enough to garrison her, you have no fleet large enough to prevent her infringement of the Navigation Act, which, though great before, will be a thousand to one greater now. I hope you will contrive to make a good appearance on the first day of Parliament."

LORD ROBERT MANNERS to the DUKE OF RUTLAND.

[1781,] October 9. *Resolution*, New York.—"The bearer, John Kidd, is the person I recommended in a letter from the West Indies, who was my servant, and lost his leg in the action off Martinique."

The COUNTESS OF AYLESFORD to the DUKE OF RUTLAND.

1781, October 16. Lime Grove.—Announcing her son's intended marriage with Miss Thynne, and congratulating him on Lord Robert [Manners] being safe and well after the [naval] engagement.

LORD ROBERT MANNERS to [the DUKE OF RUTLAND].

1781, December 14. The *Resolution*.—We left America about the 11th of November with eighteen sail of the line. The French fleet, consisting of twenty-five sail, arrived at Martinique seven days before us. "A most unfortunate as well as a most extraordinary occurrence has happened in this country, no less than the re-capture of St. Eustatia, by four French frigates and three hundred men. The island is reckoned among the strongest in the West Indies, and was garrisoned by eight hundred men. It was taken by surprise." It is not fair to relate the common conversation here, without hearing what defence the commanding officer has to urge in his favour. It is at present very injurious to his character.

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SIR SAMUEL HOOD to LORD ROBERT MANNERS.

[1782,] January 13. The *Resolution*.—Concerning the purchase of a boat.

E. SUTTON to MR. THOROTON.

1782, January 14. Bombay.—"Since our arrival here, which was on the 6th, I have seen the very partial account that villain Johnstone has given. It gives me some uneasiness, because the world is generally prejudiced by the first impressions, however false, which I am sure his are. From his account people would suppose the *Isis* never fired a shot, though the most exposed. As to the French *Hannibal* being dismasted by the ships in the bay, it is totally false; she lost her mizzen-mast, but all the people present will allow if any ship carried her other masts away it must have been the *Isis* (for she very near touched the *Isis*), and our guns were kept ready for her, till they would bear, as I saw she would fall with her stern towards us (as she did), and at the farthest ten yards. In that situation the *Hannibal* received a well-directed fire of every gun in the *Isis*, and repeated very expeditiously; by the time she had well got out of reach all her masts went away, so the world will judge how just his account is. He never takes notice of our being in the line; and as to his having our signal out three hours, he might as well have said twenty; and for his not being able to join his convoy, I got up with the mast in the situation mine was in, which was close-reefed topsails, no proper mizzen-topsail, and a great part of the time was afraid to carry the mainsail. This is all Greek to you, but some sailors will perhaps explain it to you. Since Johnstone left us, I applied to Captain Alms to know whether he had any orders about me; he told me none, nor knew of any. I then considered my situation as an awkward one, being the next in command, and in a place where no charge existed against me, and from under the jurisdiction of Johnstone. So circumstanced, and not knowing how far I might be justified in case we fell in with an enemy, I claimed the command of the *Isis* in right of my commission, which I looked upon as superior to an acting order. Captain Alms informed me he knew of no other commander to the *Isis* than Captain Lumley. I told him in answer, that I still thought I had a right, but was satisfied with having claimed what I thought my right and my duty. I think I must be entitled to my prize money for

Soldanna Bay, for the laws of England hold every person innocent till they are found guilty. I mean to attack Johnstone for it, if I have not a right to it as captain of the *Isis*, which I certainly am, till superseded and put out of the ship; but I beg you will enquire and consult with Bradley. You must naturally think I am much hurt, but I hope poor Moosy makes herself easy, though I fear the contrary. I shall be happy when I get home to have the matter settled, however it may be determined, which it is impossible to happen otherwise than in my favour, for I did everything that man could do; and, as to Mr. Johnstone, had he been inclined to destroy the French fleet, he might have done it, and I am sure their business would have been finished in an hour and a half, for they were most terribly beat, particularly the French Commodore and another, besides the dismasted ship, and our ships were all perfect, except the *Isis*, and she had suffered nothing in point of men; besides, we had the advantage of three 32-gun frigates. We are to sail this day for Ceylon, where we are to meet the Admiral, and I hope to have an end put to the horrid and wretched situation which I have been in for these ten months."

DR. RICHARD WATSON to the DUKE [OF RUTLAND].

1782, January 15. Cambridge.—I shall take care to carry out your orders as to the payment of the election bills, and the innkeepers shall understand they are indebted to your peremptory orders. I cannot, as a friend to mankind, regret the separation of America from England. "I do not quite understand what is meant by those who are for not acknowledging the independence of America; she has, in fact, been independent for several years, and an English Act of Parliament is probably treated by Congress with as much contempt as a Pope's Bull would be treated by the House of Lords." If the war is to be continued in order to make America submit to our Legislature, we shall probably be undone before the event takes place, and when it has taken place we shall get nothing by it but what a fair trade would give us without it. The sense of the nation, I take it, is now as decidedly against the continuance of the war as it was for it a few years ago.

THOMAS THOROTON to the DUKE OF [RUTLAND].

1782, January 29. Screveton.—Concerning a scheme for improving the navigation of the Trent.

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

1782, February 8. The *Resolution*, St. Kitts.—"I set down to write to you, though the signal is now flying to prepare for battle. The enemy consist of twenty-nine sail of the line and three 50-gun ships standing in for us. Therefore you must not expect a long letter or a very correct account, as I am frequently looking out to observe their progress. They have already made three attacks upon us without success, and, I beleive, have received infinitely more damage than they have done us. One of their attacks was pretty severe and fell mostly on our rear; we came off very well in point of men, but are much cutt in the masts and rigging, having our bowsprit, all our lower masts, all our top masts, and all our top gallant masts wounded, owing to our peculiar situation when the French made the attack, which I have not time at present to describe; all I have to say is that if our reinforcement should precede

that of the French we shall do very well, if not I cannot guess the consequences.

"You know, I suppose, that though the citadel on Brimstone Hill still holds out, the rest of the island remains in possession of the French, which makes our situation not so tenable as it would be were we further in shore, which we cannot be, on account of the batteries the French may erect, without being exposed; an attempt, indeed, was made by the troups to take possession of the heights, but without effect, and General Prescott, thinking it out of his power to throw any succours into Brimstone Hill, or to take possession of any post which would be tenable, returned a week ago with the troups to Antigua. Sir Samuel Hood seems determined that we shall see the event of the business, expecting, I beleive—what I fear he will be mistaken in—a reinforcement previous to De Grasse's. I understand the French commanding officers are all at variance. De Grasse is not for risking his squadron, probably wishing to preserve it for the more important conquest of Jamaica. The Marquis de Bouillé declares he will not give the island up, though De Grasse should leave him, and Bougainville sides with De Bouillé. The taking possession of this road was well judged, well conducted, and well executed, though indeed the French had an opportunity—which they missed—of bringing our rear to a very severe account. The van and center divisions brought to an anchor under the fire of the rear, which was engaged with the enemy's center, and then, the center being at an anchor and properly placed, covered us while we anchored, making, I think, the most masterly manœuvre I ever saw.

"With the utmost concern I must inform you of an event which will hurt you much, I am sure, which is the loss of poor Brown; he went in the long-boat in company with other ships boats to bring out a vessell for the reception of our wounded men some days after the action, and has never returned, nor have I had the least tidings of him or the boat; another long-boat was lost, but her people are saved. There were in our boat ten of the best men in the ship, which, with him, has given me most inexpressible concern. I had a very sincere regard for him. There is but one ray of hope, in his being taken by some one of the enemy's small vessels, of which there are a good many cruising under the land, and which might have escaped us. I have permission, and intend to send a flag of truce to the Marquis de Bouillé to enquire if such a capture has been made, but I do not flatter myself much with hopes.

"The constant sight of the enemy has made them quite familiar to us, and though at least once a day they form in such a position as to make it appear they are going to attack us, yet when they come near gunshot they always tack and stand from our fleet. If they mean by this to harrass us they are quite mistaken, as we have always time to make our meals in the 24 hours, but it must fatigue them exceedingly, the currents constantly obliging them to carry a great deal of sail to keep their station, and we have the satisfaction to observe them carrying away something daily, especially those ships which appear to have suffered in the action. You know we are at anchor and the French under sail. I have put this on paper to give you some little idea of our situation; you must not suppose it accurate. The intention of the enemy seems to be an attack on our rear. I have put down the names of the ships which are likely to sustain it, also the three Admiral's ships. The enemy still keep the appearance of an inclination for an attack this evening, therefore I will finish this letter and send it on board the vessell which is to sail to-night if she can get clear. The Admiral only to day signifyed his intentions of sending his dispatches home, or you should have heard more particulars, which you shall the first opportunity." *Rough plan.*

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

[1782,] February 9.—I have this moment received a letter from the Marquis de St. Simon, vere politely acquainting me that Monsieur Brown and all my people are safe and prisoners at St. Eustatia. The difficulty now lies in getting them exchanged, which I shall use every process to effect.

SIR SAMUEL HOOD to LORD ROBERT MANNERS, on board the *Resolution*.

1782, February 14. *Barfleur*.—"The rendezvous is from five to eight leagues E.N.E. from Antigua and *not* St. John's Road." *Signed. Seal of arms. Endorsed.* "This rendezvous to be opened upon the *Barfleur's* hoisting a white flag with a blue cross from corner to corner at the main top-gallant masthead."

LORD ROBERT MANNERS to his brother [the DUKE OF RUTLAND].

1782, February 22. St. John's Road, Antigua.—My last letter "informed you of our situation at St. Kitts. The very day after we perceived an alteration in the garrison, and they apprized us by signals appointed that many of their works were destroyed, and that by two batteries the enemy had last erected they had lost many men. Two days after we had the same unpleasant signal repeated, on which the Admiral sent an officer to endeavour to get into the hill to learn more particularly their situation but could not effect it, and on the 15th of Feb. a flag of truce came off to say it had capitulated, having two very large breaches in the wall, their magazines of rum and provisions utterly destroyed by shells, and the different works so diffaced and damaged as not to be any longer tenable. Few situations could have been more unpleasing than ours—to see an island surrender in our sight without having it in our power to afford any releif beside that of passively remaining and keeping possession of our ground in sight of it. However, we had the satisfaction of reflecting that every exertion which it lay in our power to make had not been neglected. Had the troops we carried from Antigua been sufficient to have thrown themselves into the hill, in all probability the French would have abandoned their design, in which case I think it would have been one of the most brilliant events this war. After the surrender of the island it became highly necessary for us to take some immediate steps for our own safety, as then the manœuvres of the enemy both by sea and land indicated a very severe attack, had they collected their whole force, which consisted of thirty-four sail of the line and thirteen small vessels, which we imagined to be fire ships, and were anchored within four or five miles of us, to windward; on shore they were beginning to raise bomb batteries, and the Marquis de Bouillé, with 3,000 men, was marching to operate against us from that quarter. The Admiral, having some intimation of this, did not, you may imagine, hesitate long what steps he should take, therefore summoned his captains and told them he should cut his cables at 11 o'clock that night without making any signal, and, having regulated our watches accordingly, we each cut our cables at the same precise moment of time, and sailed out in a line with so little noise or confusion that the enemy did not miss us for four hours after. Nothing could have been more fortunately executed, as not one accident happened from it.

"Taking the whole in one light, though not successful in the point we aimed at, nevertheless it was well conducted, and has given the enemy a pretty severe check, and if you give him half the credit the enemy does,

Sir Samuel Hood will stand very high in the public estimation. Their sea officers say it was a bold and well-conducted attempt, but they were sure our getting possession of Basseterre Road could be of no consequence, as they knew we had not troops sufficient to releive the place. However, they confess they cannot keep the line of battle with that precission we do, and manœuvre with so much sail out without the danger of running aboard each other. The Marquis de Bouillé, St. Simon, and the land officers set no bounds to their praises; they speak in the highest terms of our manœuvres, and, contrasting them with their own, draw a comparison not very flattering to the latter; but I must tell you they are [at] variance with De Grasse, for De Grasse sent to the M. de Bouillé, two days before the surrender, to say that if the island did not surrender by that day week he would positively leave it, whether he chose to embark or not. I wish it had held out long enough for them to have put his resolution in practice.

"Comte Dillon, who is appointed Governor of St. Kitts, told an officer of the navy who was sent with a flag of truce by Sir Samuel Hood, that it was not necessary to keep their intentions any longer secret, that Barbadoes and Antigua were the next objects, then Jamaica, and lastly New York, and then they will consent to make peace; and in my conscience I believe they intend all this, as we have just received accounts of the arrival of the remainder of the Marquis de Vandsieul's squadron, which, together with four Spanish men-of-war also arrived, make their fleet, now lying within twelve leagues of us, forty-four sail of the line, a most astonishing fleet, and out of those only five of 64 guns; ours consists of twenty-two of the line, and we are taught to expect Sir George Rodney with a large reinforcement, but have as yet heard nothing to be depended upon.

"I have not got Brown yet, but the Comte de Grasse has promised he would send him and all my people, and long-boat, and I beleive would have done it had we remained a day longer in Basseterre Road. We are on the point of leaving this place to proceed to Barbadoes—as I imagine—to join our reinforcement. The inhabitants petition Sir Samuel very much to stay here with the squadron, which he does not think proper to do for the above-mentioned reason."

Dr. Richard Watson to the Duke [of Rutland].

1782, February 24. Cambridge.—Enquiring after the health of the Duchess.

Thomas Thoroton to the Duke [of Rutland].

1782, March 5. Screveton.—We got to Cambridge on Friday night, where I had the pleasure to find Dr. Watson much better than I expected to see him. He is in high spirits with the majority Opposition had, and says that if there is a *hearty union* of all the good old Whigs, and if His Majesty will trust them, he thinks the Americans certainly will, and that this country may, still be saved. Nothing else will save it.

Lord Robert Manners to [the Duke of Rutland].

1782, March 10. The *Resolution*, St. Lucia.—"Sir George Rodney is arrived with a force which gives a new face to the affairs of this country; not that I mean the lost islands will be recovered, but I think the few remaining Windward Islands are safe, and that the designs of the enemy on Jamaica will be frustrated. The very defenceless state of all our islands through the want of troops will always oblige him to act on

the defencive, as no island is safe but the one we are immediately protecting; at least it was the case before the arrival of Sir George and his reinforcement."

The *Resolution* is ordered to sea this morning, and not in the most pleasant condition, being entirely destitute of stores and all our rigging condemned as unserviceable. To say the truth, she herself complains a little. "I am administering to her the most salutary and efficacious remedies that can be applied in this country, and there is soon to be a consultation of carpenters upon her, as it is generally supposed a change of climate will be found the only means of restoring her health, which has been lately very much impaired; and as her disorder is chiefly a violent relaxation in all her parts, so as to admit of the free ingress and egress of water—the reverse of a diabetes—I opine a northern climate is the most proper to brace her up and restore many of her faculties, which she has now, I grieve to say, entirely lost."

Next month the ship will have been three years coppered and out of dock, which is the usual time of their service; and from the loss of the *Terrible*, and the very bad state of the ships of the same standing, it is probable they will go home at nearly the same time. It is remarked that copper-bottom ships, when they once begin to shew their defects, drop all at once, which is the case of the *Invincible*, who is now in as bad a state as the *Terrible* was, and several others, which they are afraid even to trust home.

I heard with much concern of the loss you met with at Brookes', but I trust it was not to the extent of what I heard.

If Sir George Rodney "chuses to risk the marines of the fleet, I think he may retake Monserrat or some such island, but he is not strong enough in troops to recapture St. Kitts or Granada, or any of the more important islands, without leaving some of our own in the power of the enemy. The French convoy is not yet arrived at Martinique, as I wrote you word of before, so that they have now but 36 sail of the line, but the rest are expected very soon. I want much to hear from England how you take the loss of St. Kitts and the settlements of Demerari and the rest on the main."

"Brown is returned home with all my people from St. Eustatia, from whence they were sent by the Comte de Grasse, who very politely lamented the loss of the boat, as it prevented him from sending them immediately and in the same state in which they were taken."

THE MARQUESS OF LOTHIAN to the DUKE [OF RUTLAND], in Arlington Street.

[1782,] March 15.—I was hurried out of town sooner than I intended, by the illness of my daughter. I shall thank you for a line when any material event takes place.

THOMAS THOROTON to the DUKE [OF RUTLAND].

1782, March 15. Screveton.—Many thanks for your kind letter and the Gazette. It has raised our spirits to a high degree. We all join in most sincere congratulations on these fresh honours Lord Robert has so fairly won, and on his safety.

DR. RICHARD WATSON to the DUKE [OF RUTLAND].

1782, March 17. Cambridge. — Concerning an exchange of land with Peterhouse College. I congratulate you on the honour which your brother has gained; his reputation is now established, and you can

push his interest, when opportunity offers, with credit. Soame Jenkyns has published a book entitled *Disquisitions on several subjects;* his 7th Disquisition is on Government and Civil Liberty, in which he has attempted to maul Mr. Locke's principles and to ridicule what you and I hold most sacred. I ought to have no secrets when I speak to you, but I beg the matter may not be known. I did but get the book on Thursday, and on Friday night I sent an answer to it to Debrett and desired him to print it immediately, under the title of an *Answer to a Disquisition on Government and Civil Liberty.* I hope it may do some good at the present moment, at least that it may prevent his disquisition from doing mischief. I shall tell Lord Rockingham that I wrote it, for he will keep the secret. I should have had no objection to have put my name to it, notwithstanding its being so hastily written, but that I am not well enough to bear the torrent of abuse it would expose me to; and I am unwilling to quarrel with an agreeable neighbour. *N.B.*—Debrett himself does not know the author of the answer he is about to publish.

JOHN EKINS to the DUKE [OF RUTLAND].

1782, March 18.—I congratulate you upon Lord Robert Manners's safety, and on his honourable share in the late engagement with the French fleet. I hope I may by this time rejoice with you on the prospect which our poor country once more has of recovering from the calamities and disgrace which have so long depressed her. It will give me additional pleasure if, among those who shall at this critical time undertake her support, I shall be so happy to read your name, for I am convinced that there is no one from their rank and consequence in this country, and few from their abilities, if they were properly exerted, who are better able to assist her in this time of distress. I shall hope in a post or two to see the change take place which has been so long wanted; but I cannot but be fearful of these delays.

The MARQUESS OF LOTHIAN to [the DUKE OF RUTLAND], in Arlington Street.

[1782,] March 22.—"I think I may now congratulate you as sincerely as I thank you for your letters, giving me all your intelligence concerning that wretched administration which is now no more. I shall be in London in the beginning of April, when I hope to see you, and find you perfectly satisfied with the new administration. I sincerely hope you will now exert yourself, and prove that you can be of great use to your country. You know how faithfully I love you, and how truly I wish you to make that figure which I know you are capable of making."

R. SLOPER to the DUKE [OF RUTLAND].

1782, March 26. West Woodhay.— Most heartily do I congratulate you and my country upon your friends being in office.

The MARQUESS OF LOTHIAN to the DUKE OF RUTLAND, in Arlington Street.

[1782, March,] Thursday.—"I sincerely wish you may be satisfied with the new arrangements, and that I may wish you joy of having some employment yourself that is suited to you, and that may bring your talents forth and rescue you from that inactivity which is your greatest fault. I have always spoke out to you, for I truly wish every honour

this country can give you may attend you. Lord Cornwallis has just received a letter with the melancholy accounts from the West Indies. I suppose you have heard from Lord Robert, and that he is well."

JOHN MURKINS to the DUKE OF RUTLAND, at Belvoir Castle.

1782, April 4.—Asking for patronage to procure an inferior post under the new Administration.

LORD GEORGE SUTTON to his nephew, the DUKE [OF RUTLAND].

1782, April 5. Grosvenor Street.—Asking him to intercede with the present ministers to recommend the writer's succession to the family titles and honours formerly granted and vested in his grandfather, the late Lord Lexington.

The COMMITTEE OF ANTIGALLICANS to the DUKE [OF RUTLAND].

1782, April 5.—Inviting him to accept the office of Grand President of this Association, established for the encouragement of the Commerce and Manufactures of this Kingdom. *Signed:* "Mahon, Grand President; Watkin Lewes, Past President; T. (?) Callander, Register."

SIR SAMUEL HOOD to —. STEPHENS.

1782, April 13.—"I am grieved most exceedingly for that truly gallant and amiable young nobleman, Lord Robert Manners. One leg gone and the other wounded, and his right arm broke; but I think his habit of body is good, and therefore hope and trust he will do well." *Copy.*

LORD ROBERT MANNERS to CAPTAIN REYNOLDS, on board the *Monarch*.

[1782, April.] The *Resolution*.—"I am as well as a man can be with one leg off, one wounded, and right arm broke. The doctor, who is sitting by me at present, says there are every hopes of recovery. I thank you much for your present. Whenever it should suit you, I shall be happy to see you." (*This letter is kept in a separate pouch.*)

ADMIRAL J. GAMBIER to the DUKE [OF RUTLAND].

1782, April 15. Queen Street, Mayfair.—Referring to a disappointment of a promised command; mentioning the late Marquess of Granby as a friend and patron, and asking for the Duke's recommendation to the present First Lord of the Admiralty.

T. (?) CALLANDER to the DUKE [OF RUTLAND].

1782, April 17. Ship Tavern, Ratcliff Cross.—Thanking him for accepting the office of Grand President of the "Antigallicans," and mentioning the day of their approaching anniversary. *Large seal.*

SIR G. B. RODNEY to SIR SAMUEL HOOD.

1782, April 17. The *Formidable*.—Giving him sailing orders and discretionary powers. *Copy, signed by Sir Samuel Hood.*

GEORGE POCHIN to the DUKE OF RUTLAND, at Belvoir Castle.

1782, April 19. Bourn.—Concerning the Leicestershire militia.

SIR SAMUEL HOOD to SIR GEORGE BRYDGES RODNEY.

1782, April 22. The *Barfleur*, at sea.—Acknowledging the receipt of his letter, and giving particulars of the pursuit of the French fleet and the capture on the 19th inst. of four French ships, the *Caton*, *Jason*, *L'Aimable*, and *Ceres*, formerly His Majesty's sloop *Ceres*. *Copy*.

SIR SAMUEL HOOD to LORD ROBERT MANNERS, in London.

1782, April 22. The *Barfleur*, off Alcavala, St. Domingo.—"I most sincerely hope and pray this may find your Lordship as well as your unhappy misfortune will possibly allow, and that you may be restored to perfect health." From the *Andromache*, where I paid you my respects, I went to the *Formidable*, and as the various methods I had tried were ineffectual to induce Sir George Rodney to quit the *Ville de Paris* and pursue the flying enemy, I added the following *P.S.* in answer to a note he sent me:—"As I understand the *Royal Oak*, *Alcide* and *Centaur*, with the prizes *Glorieux* and *Hector*, are gone towards Jamaica, will they not be in great danger from *our* being so far astern?" This brought me a letter from Sir George, of which I send a copy.

Now where was Sir George's judgment "to subject me with only *ten* sail of the line, to fall in with twenty at *least* of the French, and at the same time to keep twenty-two sail with him to take care of the *Ville de Paris*, without the shadow of a prospect of meeting a single ship of the enemy's. The French fleet, which your Lordship had so large a share of glory in putting to flight on the 12th, to the number twenty-six, including frigates, passed the Mona channel *only* the day *before* I was in it. If divine Providence was not to assist us, as it has most kindly done in many instances since we left St. Lucia, what would become of our poor distressed country? It is painfull to think of, and I have not patience, my Lord, to dwell longer upon so truly mortifying and much to be lamented subject, but will just observe to your Lordship that on the morning of the 15th, finding Sir George could not bring himself to lose sight of the *Ville de Paris*, I pressed him much to add half a dozen ships of the line and a couple of frigates to my division and allow me to pursue the *flying* enemy, and pledged myself to give him a good account of them. His answer was, 'We will make all sail as fast as we can,' to which I replied, 'You will be too late, depend upon it, if you wait for the *Ville de Paris*'; and when I last saw the Commander-in-chief, on the 17th at sunsett, he was laying too with his whole fleet." *Seal of arms*.

Endorsed "Received June 19th. My dearest Bob died of his wounds April 23rd, 1782."

* WILLIAM PITT to the DUKE OF RUTLAND.

[1782?] April 30. Downing Street.—Lincoln is not actually vacant, nor do I know that Government has any direct interest there that will signify for any candidate; but I am so far committed to Mr. Furnor by what passed before I knew that you had anything in contemplation, that I cannot encourage anyone in opposition to him if he stands. I will explain this to Major Hobart on the first opportunity. [*Correspondence, p.* 3.]

Captain Francis Reynolds to Lord Robert Manners, in Arlington Street.

1782, May 2. The *Monarch*.—Sending him good wishes, and news from the West Indies. *Seal of Arms. Same endorsement as on the letter from Sir Samuel Hood of 22 April.*

General A. St. Leger to the Duke of Rutland.

1782, May 4. St. Lucia.—Before this you will have heard of the terrible wound poor Lord Robert received in the action with the French fleet. By letters I received he was in as fair a way as could be expected, and I trust he will recover. He is an honour to his King and country, and the whole fleet lament the accident. I flatter myself by this time the Cabinet at home is settled in such a manner as to profit by the late event. I hope there is reason to think the Spaniards will be disappointed in their views to Jamaica.

Sir Thomas Gascoigne to the Duke of Rutland, at Newcastle-on-Tyne.

1782, May 18. London.—A letter of condolence on the death of Lord Robert Manners.

Colonel Edmund Stevens to the Duke [of Rutland].

1782, May 18. King Street.—The like.

T. Townshend to ———.

1782, May 18. Albemarle Street.—Begging that his condolences may be conveyed to the Duke and Duchess of Rutland.

Major H. F. R. Stanhope to the Duke [of Rutland].

1782, May 18. London.—A letter of condolence.

The Same to [the Same].

1782, May 20. London.—Offering to come to Belvoir.

The Marquess of Rockingham to the Duke of Rutland.

1782, May 20. Wimbledon.—"Lord Cranston and Captain Byron were with me yesterday. The accounts they gave me of the fortitude with which your dear brother bore the misfortune and pains of his wounds, while the expectation of the possibility of his life existed, and the calmness and resignation of his mind when the fatal turn appeared, are circumstances which, I trust, will afford great consolation to your Grace."

Charles Howard (Purser of H.M.S. *Resolution*) to the Duke of Rutland.

1782, May 20. Buckland, near Portsmouth.—A letter of condolence.

Thomas Pennystone to the Duke [of Rutland].

1782, May 21. Cheveley Park.—The like.

The Marquess of Lothian to [the Duke of Rutland].

[1782, May 21,] Tuesday. Southampton.—Proposing to set out for Belvoir immediately.

Dr. Robert Knox to the Duke [of Rutland].

1782, May 21. George Street, Hanover Square.—A letter of condolence.

Robert Blair to the Duke of Rutland, at Belvoir.

1782, May 23. London.—"The *Resolution* did not get within gunshot of the enemy in the first action. On the morning of the 12th, she sustained a severe fire from nine or ten of the French ships, in breaking through their line. Your Grace may guess my feelings when I saw Lord Robert brought down wounded, the first man. His behaviour on this, as on every other occasion, was heroism itself. A cannon shot had wounded both legs, and at the same instant he received a compound fracture of his right arm, I believe by a splinter. The left leg was in such a state as to preclude all hopes of saving it, and accordingly I took it off immediately, at his own desire. It will scarcely be credited not only how undaunted he appeared but how perfectly he seemed to possess himself during an operation alway dreadful, and in that situation particularly so, making jocular remarks on the operation with a smiling countenance during its most painfull steps, about which, among other matters of that kind, he used to amuse himself in making enquirys when well.

"It was probably owing in a great measure to this composure and serenity of mind that the symptomatic fever was slight and soon over. He conversed with great ease and cheerfullness with the flag officers and other friends who came to visit him during two days he remained in the *Resolution*, and at one time talked seriously of remaining in the command of her as before.

"The same flattering appearances continued for a week after he got on board the *Andromache*. His wounds looked remarkably well, his appetite was good, and he passed his time in conversation, reading and being read to, and hearing music, which he generally accompanied with humming or whistling. In short, being perfectly freed from the cares of a command, his mind seemed perfectly at ease, and he declared that he never was easier or better in his life. I had cautioned his friends about indulging too far the very sanguine hopes which it was natural to entertain of his recovery. His Lordship perfectly knew that the chief danger—to which he was particularly liable from the uncommon irritability of his nerves—remained to be got over, that of a locked jaw and tetanus. No person who has been any time on service in a hot climate can be entirely ignorant of it, and Lord Robert had been very particular before his own accident in his enquirys on this subject.

"When the fatal symptoms appeared, he acquainted me of them with the utmost serenity and unconcern, said he thought it needless to take any medicines, and that he had entirely made up *his mind to everything;* this was his expression. He suffered himself, however, to be prevailed on, and fortunately the medicines necessary in the cure of this disease, if they fail, have the advantage of alleviating pain. He seemed at first to receive considerable benefit, but the symptoms soon recurred with redoubled violence, and swallowing, which had been very difficult, became impossible. His speech soon after for the first time became wild and incoherent, talking about the action and giving orders in the night; but

next morning he was again sensible, and continued so and free from pain, till his dissolution, which took place just as the sun passed the meridian, without a groan or the least sign of uneasiness.

"When Captain Byron desired to know how long I thought it necessary to defer his funeral, I proposed that it should first be considered how far it might be proper, or expected by his friends, to have his Lordship's remains carried to England, mentioning also how this might be effected. The plain question to be determined seemed to be, how far this measure would be acceptable to your Grace. And it was also mentioned that his losing his life in a manner so gallant, and on an occason so glorious and so beneficial to his country, might well entitle him to every mark of respect that could be showed by his country. Lord Cranston and Captain Byron, endeavouring to judge how themselves would be influenced on a similar occasion, were of opinion that the funeral ought to take place immediately; and with respect to the other consideration that a monument might equally be erected notwithstanding. Considered abstractedly, it certainly appears of little moment, and I ventured to give it as my opinion, that Lord Robert's, had it been possible then to consult him, would have coincided with theirs. There seems to be some degree of propriety in committing the body of a sea officer to that element on which he has passed the most active part of his life, and where he had so gloriously distinguished himself. I speak this with the utmost deference to your Grace's opinion, which it gives me the must unfeigned concern to have had the ill fortune to be ignorant of on this occasion.

"His Lordship's funeral was attended by a company of marines, a band of musick, and all the usual military honours and solemnities."

H. Countess of Chatham to ———.

1782, May 23. Hayes.—A letter of condolence.

D. Pulteney to Thomas Thoroton, Senior, at Belvoir Castle.

1782, [May 24,] Friday.—Concerning the Duke's sorrow.

D. Pulteney to [the Duke of Rutland].

N.D.—A letter of condolence, with a copy of verses.

Dr. Richard Watson to the Duke of Rutland, at Belvoir.

[1782, May 24,] Friday.—Your letter to the freeholders, with a little alteration, I will have read on Wednesday. You shall have an immediate account of that day's meeting. "The whole kingdom mourns with you in their hearts."

D. Pulteney to the Duke [of Rutland].

[1782, May .]—"I take the liberty of acquainting your Grace, from the accounts of the Admiralty, that Sir Samuel Hood was sent with ten sail of the line to cruize to leeward, that he came up with five French ships, two of which and a frigate he had taken; they struck to the *Valiant* and *Magnificent;* one of the French ships is *L'Esprit*, of eighty, and the other of seventy-four guns, and one of them is laden with every sort of naval stores. I am induced to write, as you may not have accounts of this from others. The victory to which poor Lord Robert [Manners] contributed, in itself and consequences—for this is only a continuance of the 12th—will prove more fatal to France than any action since the battle off La Hogue."

D. Pulteney to the Duke [of Rutland].

[1782, May 25,] Saturday.—Lord Lothian, Mr. Ekins, Lord Chatham, Lord George Cavendish, Colonel Stevens, Stanhope, and others are "employing" each other to set out for Belvoir and attempt to relieve you by introducing new objects. I should think if you had any preference on so melancholy a subject, Westminster Hall would be the proper scene for a monument.

William Preston to the Duke [of Rutland].

1782, May 26. Trinity College, [Cambridge.]—A letter of condolence, and concerning the approaching election of a member in the place of Lord Robert Manners.

——— to the Duke of Rutland.

1782, May 27. The Terrace, Kensington.—A copy of verses on the death of Lord Robert Manners.

Captain G. Byron to [T. Thoroton].

[1782, May 28,] Tuesday. Somerset Street.—"Poor Lord Robert was buried at sea in the latitude 31, close by the island that is about one hundred leagues from the Island of Bermudas. We consulted among ourselves what was best to be done, and all agreed it was better to bury his Lordship's body at sea than to keep it. It would have been very difficult, for it would have been beat to peices in the cask. It was buried, Sir, with all the honors of war that it lay'd in our power to pay him; and I firmly beleive there never was a more awful melancholy burial. If I had known the Duke of Rutland would have wished his brother to have been brought home, at all events I would have endeavored to have done it. I hope from my heart he will beleive so."

Dr. Richard Watson to the Duke [of Rutland].

[1782, May 29,] Wednesday.—Condolences. He has had some trouble in quieting the dissenters, who had intended to oppose the election of Sir Henry Peyton.

Robert Blair to the Duke [of Rutland].

1782, June 1. London.—Begging to be allowed to return the present which the Duke put into his hand on leaving Belvoir, and which he considers so far in excess of his deserts that he wishes the Duke to consider whether he has not made some mistake in the matter.

Major H. F. R. Stanhope to [the Duke of Rutland].

1782, June 3. London.—I am most anxious to hear of your health under your affliction. Let me conjure you to leave Belvoir, where everything, from the recollections of boyhood to those of mature age, is associated with your brother, and where you first heard of his heroic death. Your friends revere your lamentations, but require you not to forget the duties you owe as a husband, as a father, and as a good citizen. I beg pardon for saying so much, but indeed you must not lose yourself entirely. Once more let me advise you to come to town, at least for a few days.

William Constable to the Duke [of Rutland].

1782, June 12. Burton Constable.—A letter of condolence.

CHARLES LEWIS MORDAUNT to the DUKE [OF RUTLAND].

1782, June. Hallfall.—I am obliged for your enquiries after my health and our little work at Halfall. We have 600 spindles complete with all their appendages—our powers calculated to 1,300—an employment for about 160 poor children and women. "The Liverpool people are endeavouring to form a regiment of *guard du cotes*." They will hardly collect above 200 or 300 men, "which is nothing to defend a town of that extent." I do not find your Grace engaged in a public employ. I was thinking of Ireland or Master of the Horse. A laudable ambition is an object for every young man. The want of it I take to be the reason of so many of young nobility falling into the deceit of gaming and ruining their fortunes almost before they can recollect themselves. Idleness is the mother of vice.

JOHN HEBB to the DUKE OF RUTLAND.

[1782 ?] June 23. Gray's Inn.—Conveying the thanks of the Corporation of Scarborough for a remittance towards paying their debt, and for providing a transcript and translation of their charters and records.

THOMAS THOROTON to the DUKE [OF RUTLAND], in London.

1782, July 20. Screveton.—Yesterday we went to Belvoir. I never saw Lord Granby, Lady Katherine, Lord Charles, and Lord Robert look so well. I hope your Grace stays for some *good* purpose, which you are thoroughly *right in*. That over, we shall rejoice to see you in the country, which is rich, I mean in look, beyond expression.

SAMUEL BEILBY to ———.

1782, July 25. Ferriby, near Hull.—I enclose an advertisement which pledges you as a candidate for the town of Hull the first opportunity that offers, and engages you coming down to Hull as soon as the court martial is determined. That court martial, from the account Lord Chatham gave me of the matter, will terminate, I am certain, highly to your and Major Stanhope's honour. Mr. Thornton has been here canvassing. You should canvass the London votes directly.

STEPHEN WHISSON to the DUKE [OF RUTLAND].

1782, July 26. Trinity College, Cambridge.—Acknowledging a present of venison.

ADMIRAL J. GAMBIER to the DUKE [OF RUTLAND].

1782, July 28. Cookham, Berks. — Hoping that the Duke's patronage will procure him justice and compensation.

CAPTAIN EDWARD THOMPSON to the DUKE OF RUTLAND.

1782, July 30. Bedford Square.—Concerning some verses on the death of Lord Robert Manners, and suggesting that the line in Milton's *Lycidas*—

"Without the meed of a *melodious* tear,"

was a misprint for

"Deserved the meed of a parental tear,"

or,

"Deserved the need of some melodious seer."

JOSEPH HILL to the DUKE [OF RUTLAND].

1782, July 31. Wargrave, near Twyford. — I see by the newspapers that your Grace has had audience of His Majesty. I hope it terminated to your satisfaction, and that your Grace received the honour you had so fair a claim to, in the way that made it most agreeable to you.

COUNT DE GRASSE to the DUKE [OF RUTLAND].

1782, August 10.—"J'ai été d'autant plus sensible à la perte de Lord Manners, que j'avois déja eu l'honneur de le connoitre. Son courage et sa bravoure lui avoient acquis mon estime et mon admiration, et sa mort m'a fait beaucoup de peine. Elle m'en cause encore aujourd'huy, puisqu'elle me prive du plaisir de vous voir et de vous faire ma cour. Récévez, Monsieur le Duc, les temoignages de toute ma reconnoissance pour ce que vous avés la bonté de me dire de flatteur." *Signed.*

MAJOR H. F. R. STANHOPE to the DUKE [OF RUTLAND].

1782, August 30.—"There is a most shocking piece of intelligence which I must communicate to you, which is the loss of the *Royal George*. She sank at Spithead in the midst of the fleet; poor Kempenfelt, with five hundred men, were drowned in her. It is really too melancholy an account to dwell upon." I conjure you to write the letter I asked you for to Conway. My memorial is just arrived and shall be presented to-morrow. "If I am prevented going to Gibraltar, I shall be inconsolable. My situation requires every possible exertion to refute the prejudices of the world."

R. THOROTON to the DUKE OF RUTLAND, at Chevely Park.

[1782,] August 30.—"I saw Sir Joshua Reynolds to-day, who desired me to tell you he wished you would send him your sentiments concerning the picture of your father with his two aid-de-camps, one of whom called upon Sir Joshua while he was at Chevely, and left word he was at liberty to sit at any time convenient to Sir Joshua."

Lord Chatham and Mr. Pitt mean to come down on Sunday. Stanhope told me to-day he was afraid he could not come.

Sir Godfrey Webster, Jack Townshend, and many others are going volunteers to Gibraltar; this is the sole news of the day. I beg my love to the handsomest woman in the world.

ABRAHAM JOBSON to the DUKE [OF RUTLAND].

1782, September 4. Isle of Ely. — Concerning the by-election for Cambridgeshire consequent on the death of Lord Robert Manners.

MAJOR H. F. R. STANHOPE to the DUKE [OF RUTLAND].

1782, September 5. London.—I received the King's permission to go to Gibraltar at half-past twelve o'clock last night, and very early this morning I saw Admiral Keppel, who assured me I had not a moment to lose, as the fleet would sail with this wind immediately. I have thus been unable to see you, as I should wish to have done for the friendly, warm letter you have written to General Conway on my business.

THOMAS THOROTON to the DUKE [OF RUTLAND].

[1782,] September 5, Thursday. Arlington Street.—All the news I hear is Sir J. Lowther has offered to build a ship at his own expense. Stanhope goes to-morrow to Portsmouth to embark for Gibraltar.

JOHN HEBB to the DUKE OF RUTLAND.

1782, September 6. Scarborough.—Mr. Lascelles, our late county member, is arrived here with the intention, as it is said, of offering himself as a candidate for this borough. I should be glad to have an expression of your Grace's sentiments on this intelligence.

MAJOR H. F. R. STANHOPE to [the DUKE OF RUTLAND].

1782, September 9, Monday. Portsmouth.—"I left London on Friday morning, and made use of all possible expedition to get to Portsmouth in time for the fleet sailing, which I expected would happen, from what Lord Keppel told me, in a very few hours after my arrival.

"That event, however, you see, has not yet taken place, and you may judge of my disappointment at not having taken my leave of you, which I now find I could have done with safety.

"Lord Howe's fleet here consists of thirty-four sail of the line, including the *Pegase*, which will probably follow us, as she cannot be ready under two or three days, and we are to be joined off Plymouth by two more sail of the line.

"The loss of the *Royal George* at this moment is a most heavy one. I never saw a more shocking spectacle than she exhibits; all her masts are above water, and she has rose considerably within the last few days, owing probably to her guns being loose and breaking through the sides of the ship. A number of dead bodies are floating round her, and fresh ones rising as fast as they are taken up. I wish to God that this scene of horror may not damp the spirits of the Jacks. I confess I think it has had that effect, and that it is very impolitick to allow them to come near the wreck.

"The troops were all embarked this morning, and if the ordnance ships are ready we shall sail to-morrow. I propose taking my passage in the *Berwick*, Charles Phipps having pressed me very much to accompany him. I was indeed originally engaged to go with him, but upon his ship going to the Downs I had accepted of an invitation from Sir J. Jarvis. That engagement, however, of course I gave up upon the *Berwick* returning to Spithead. Barrington is the most popular man in the fleet. Lord Howe, I find, is not so generally beloved, but equally respected I think.

"Mulgrave is at the head of a party of young men, consisting of Keppel, Berkley, Bertie Conway, the Finches, &c., &c. I live with them entirely. They are all perfectly good-humoured and very hospitable, but not very polished in their manners. I cannot help reflecting, however painful the recollection may be to you, upon the difference of your poor brother's behaviour. With the most consummate bravery he united all the good breeding of a fine gentleman, a character totally unknown here. Forgive me, my dear Duke, for this digression. I must once more revert to the subject of my regret at not seeing you before I leave England. And it is really very painful to me, not only because it would have given me so much pleasure to have taken leave of you in person, and to have expressed my affection, but because I fear you do not perfectly understand my motives for going. I wished to have explained to you that really the cause of my taking this step was

not so foolish a one as that of exciting the compassion of a certain lady. I do not deny that I told her so, but upon my word I had more rational and more substantial motives for what I did. I thought of it first myself, but I was confirmed in my opinion of its being a popular measure in my present situation by General Craig and several of my military friends, General Conway excepted. I have taken the liberty of enclosing my memorial for your perusal at your leisure.

"The King's permission for my going on service, I think, is a favourable symptom of his approbation of my conduct. I acquainted General Conway, that as Government was now in possession of all the facts relating to my conduct at Tobago, as those facts were supported by the evidence of all my officers, as Mr. Ferguson—on whose charge alone I was ordered to be tried—had disclaimed being my accuser, that I conceived the charge now fell to the ground. I should therefore, I added, submit my conduct to His Majesty's judgement. I informed him that as long as any practicable means could be devised of bringing me to a court martial, and as long as my accusers adhered to that character, that I had done everything in my power to submit my conduct to publick examination. But as the state of the case was now altered, as Mr. Ferguson's charge was not only totally unsupported by evidence, but even abandoned by himself, and as my defence was confirmed by all my officers, I feel no more uneasiness on the subject, and here the matter rests."

JOHN HEBB to the DUKE OF RUTLAND.

1782, September 10. Scarborough.—Mentioning the date of the approaching Corporation dinner, for which the Duke had promised a present of venison, and referring to the liquidation of the Corporation debts.

GEORGE HAGGITT to [JOHN] EKINS, at Newton Tony.

1782, September 11. Rushton.—Mentioning, for the information of the Duke of Rutland, the candidature of Edward Lascelles, Esq., for Scarborough borough at the next election.

HENRY SWINBURNE to [the DUKE OF RUTLAND].

1782, September 11. Hamsterly.—Asking for the loan of books on Italian history, and for interest for a cadetship to Madras for a nephew, now in the Austrian service.

SIR JOSHUA REYNOLDS to the DUKE [OF RUTLAND].

1782, September 13. London.—"As the fifteenth is so near, when your Grace said you should be in town, I have nothing to say but what may be deferred till that time. The business of this letter is to thank your Grace—which I forgot to do when I was at Chevely—for the letter, which I received from the keeper of the park, to inform me that a buck was ready whenever I should send for it, and I am now ready for the buck. I have company dine with me next Thursday, which I think is the nineteenth, and should be glad to have it by that time. I should have wrote to the keeper not to trouble your Grace, but I have forgot his name, though I have not forgot his countenance, which struck me very much."

Sir Robert Murray Keith to George Nangle.

1782, September 20. Vienna.—A testimonial to Mr. Nangle, an officer in the Austrian service wishing for employment under the East India Company. *Accompanying this is a letter of the same date from Sir R. M. Keith addressed to the Directors of the Company.*

Thomas Thoroton to the Duke [of Rutland].

[1782, September 22,] Sunday night.—"I called upon Sir J. Reynolds, who will now immediately employ Serres about your brother's picture, as Brown will be able to give him some account of the particulars of the action, the seaman not being able in the least to make Mr. Serres comprehend anything about it. The picture frames are done and shall be sent immediately. The Baltic Fleet are safe off Flamborough Head, and there is an account of the Grand Fleet being seen all well a very considerable way on their passage.

George Pochin to the Duke of Rutland, in Arlington Street.

1782, September 27. Newcastle.—Mentioning apprehensions of a coalition ministry; and concerning winter quarters for the [Leicestershire] Militia.

Jo. Huntriss to the Duke [of Rutland].

1782, October 1. Scarborough.—The report of the intention of Mr. Lascelles to contest this borough turns out to have been founded on a misapprehension. Your Grace's influence here is too strong to be overcome, if there were twenty candidates.

George Pochin to the Duke [of Rutland].

1782, October 2. Newcastle. — Reporting an affray between some officers of the [Leicestershire] Militia and the watchmen.

Bennet Storer to the Duke [of Rutland].

1782, October 6. Grantham.—Congratulating him on being invested with the blue ribbon of the Order of the Garter.

John Robinson to the Duke of Rutland, in London.

1782, October 6. Custom House, Scarborough. — Reporting the result of the annual election of magistrates for the borough; and mentioning, for the Duke's consideration, the diminution in the writer's own receipts owing to the depression of trade.

Hildebrand Oakes to the Duke [of Rutland].

1782, October 16. Godmanchester. — Claiming relationship—the Duke's grandfather, Charles, Duke of Somerset, and the writer's grandfather, Sir John Jacob, having been children of sisters;—and asking influence to obtain a small post, so that he may not starve.

Sir Thomas Gascoigne to the Duke [of Rutland].

1782, October 18. Kirkleatham.—Congratulating him on his investiture with the Order of the Garter, and expressing hopes that he will engage in an active sphere of politics.

Thomas Thoroton to the Duke [of Rutland].

1782, October 18. Scriveton.—Mrs. Sutton and all of us send grateful thanks for your kind concern for poor Evelyn [Sutton]. I have enclosed a copy of his letter of December last. We join in our respects to all at Stoke. *Enclosed is a copy of letter [from Evelyn Sutton] dated from Isis Moubat, on the coast of Arabia Felix, December 5, 1781, relating to a claim for prize money, and containing complaints against Commodore Johnstone.*

James Metcalfe to the Duke [of Rutland].

[1782,] October 19.—Mr. Ralph, the painter, is at his third day's work on the picture of the children. He *will* put a hawk in Lord Charles' hand, and Lord Robert is tumbling over the dog very well. The picture will be finished by Wednesday se'nnight, the 30th.

R. Thoroton to the Duke of Rutland, at Stoke, near Bristol.

[1782, October 21?] Monday. London.—"The great offer of Sir James Lowther in building his ship had near cost him his life. He went to Whitehaven to propose the terms of raising the men upon his estate to man her, which so incensed the people that they began a riot, broke his carriage to pieces, and would have in all probability distroyed him if he had not made his escape. The Duke of Norfolk is the author of this intelligence. The Parliament is prorogued to the 26th November, the cause of which I have good reason to believe is that a negociation is now on the *tapis* concerning the independence of America. This point it is thought necessary to settle before the new Ministry meet the Parliament. George Byng is come over from Ireland, and boasts that Opposition will divide a hundred and seventy. Fox had a great meeting at the Shakespear in commemoration of the day on which the city of Westminster elected the Man of the People. The meeting was very full, but chiefly electors, and I believe he is still very popular among them. Many people believe Conway is near going out, but I fancy without foundation."

Thomas Thoroton to the Duke [of Rutland].

[1782,] October 21. Arlington Street.—I hope you and the Duchess are arrived safe at Stoke. I have been to Sir J. Reynolds. The picture of your brother must first go to Dickenson's, Mr. Myers not being at present ready for it. Gothard gets forward with his picture, and says it will be fit to show to Sir J. Reynolds in about a fortnight. I think it will make a very capital print. Shutz's resignation I hope goes in to the King to-morrow; it went to General Conway to-day. It is feared the *Ville de Paris* and another ship are lost. The *Ville de Paris* was seen a hundred leagues from the Irish coast, her mainmast and foremast gone. It is generally believed the combined fleet will risk an engagement very soon, and everybody is in hourly expectation of hearing from Lord Howe.

JOSEPH HILL to the DUKE [OF RUTLAND].

1782, November 4. Great Queen Street.—The transports have landed their stores for the relief of Gibraltar. Lord Howe has offered the enemy battle, which they have declined, and he is returning home. An express, I understand, is arrived to this effect.

MAJOR H. F. R. STANHOPE to the DUKE [OF RUTLAND].

1782, November 6. Plymouth.—I am just arrived from Gibraltar with Captain Conway in the *Latona*, and as Lord Howe's orders prevent all passengers from quitting the ship for twenty-four hours, I must write to say I am looking forward to seeing you on Friday in town. As I promise myself the satisfaction of giving you personally the account of my voyage, I shall not anticipate it by letter.

G. BERNARD to the DUKE [OF RUTLAND].

1782, November 7. Albemarle Street.—I am just come from Lord Shelburne's. Captains Conway and Duncan are arrived from Lord Howe with accounts of a trifling action, in which neither side lost a ship. Lord Howe with the whole fleet will be home in eight days, having completely relieved Gibraltar.

The EARL OF SHELBURNE to the DUKE OF RUTLAND.

1782, November 7. Treasury Chambers.—Urgently requesting him to attend the meeting of Parliament on the 26th instant. *Signed.*

R. [WATSON] BISHOP OF LLANDAFF to the DUKE [OF RUTLAND].

1782, November 11. Cambridge.—What accompanies this I beg may not go beyond your inspection till it is determined whether it is to come into the world or not. My heart is much for it, because I think it would do much good. As to the statue nothing is yet done. I have had conferences about it. I will second any beginning, but, having regard to your honour, will not take the initiative.

LORD ROBERT MANNERS.

[1782.]—An account of the life and death of Lord Robert Manners. *In the handwriting of the Bishop of Llandaff, with corrections and alterations by the Duke of Rutland.*

R. BISHOP OF LLANDAFF to the DUKE [OF RUTLAND].

1782, November 13. Cambridge.—The principal members of the Cambridgeshire Committee reside in London. You will see some of them at the meeting of Parliament, and if they advise the measure you will then call a meeting. It will be improper for me, for the future, to attend either committee or county meetings; but I shall be ready to give advice. My opinion on the measure is that Government should purchase all the Burgage tenures, so as to annihilate as many members for boroughs as they add for counties. I have bought a house in Great

George Street, Westminster, from Lady Carpenter. The situation is not fashionable, but it is convenient, and I shall have a better house than I could have had for the same sum in a more polite part of the town. Lord Shelburne has requested me not to publish the letter to the Archbishop at the present moment, and I shall accordingly postpone the publication.

JOHN SAWYER to the DUKE OF RUTLAND, at Belvoir.

1782, November 15. Chevely Park.—I sent the picture from Newmarket yesterday morning. Mr. Ralph says the expense of the picture, with the frame and carriage of it from London, is forty guineas.

ADMIRAL J. GAMBIER to the DUKE [OF RUTLAND].

1782, November 27. Queen Street, Mayfair.—Mentioning a promise from the First Lord of the Admiralty, Lord Keppel, and renewing request for the Duke's patronage.

THOMAS THOROTON to the DUKE [OF RUTLAND].

[1782, November.] Arlington Street, Wednesday.—The Prince has been ill and his physician has been much alarmed, and still does not pronounce him out of all danger. His disorder proceeds from a total relaxation of all the vessels. Keat, the surgeon, says that if His Royal Highness takes proper care he will certainly do well, but if the contrary, there is every reason to dread the worst consequences. "This is for *your ear alone*. He said that if he was to live by rule he did not desire life upon such terms, and he would be d——d if he would submit to it."

MAJOR H. F. R. STANHOPE to the DUKE [OF RUTLAND].

1782, November. London.—I was much disappointed at not finding you in town on my arrival last Friday. I congratulate you on your new honours. The old insuperable torment of the Tobago business (court martial) keeps me from going to see you. The combined fleet "behaved in the most scandalous manner. They engaged us—with a superiority of 12 sail of the line—at the distance of three-quarters of a mile, and continued firing for six hours without approaching. I was in Mulgrave's ship—the *Courageuse*—during the action. It was not in Lord Howe's power to continue the engagement, or to come nearer to the enemy, as he could not get to windward of them. Monsieur de la M. Picket led the van in a three-decker. He attacked the *Ganges*—Captain Fielding—but hauled his wind the moment Admiral Barrington luffed up to him." We are all satisfied with Lord Howe. I landed at Gibraltar for a few hours, but could not stay, as I was dependent on the fleet. General Elliott has acquired immortal honour by his gallant and very able defence. He speaks very confidently of the security of Gibraltar. The nearest approach of the Spaniards is about 900 yards.

D. PULTENEY to the DUKE [OF RUTLAND].

[1782, December ?]—"I really believe no person living is so entangled in all sorts of difficulties, and sunk into such certain ruin as myself, without being immediately brought into Parliament. I shall not now say

whether lightly or not, but this has arose, without any kind of doubt, from my expectation of being now in the House of Commons. That this step may be attended with difficulties and inconvenience to your Grace I have no kind of scruple to believe, and that idea many years ago made me acquiesce without a murmur in several things asserted by Stanhope at that time. But if your Grace will fairly consider that 1,500*l.* or 2,000*l.* is what you would stake at play or give for a picture, and that to me it makes the difference of rank in life or immediate ruin, that it is only an inconvenient sum to your Grace, and that my situation includes my all, I can only judge from myself, that there is no person I had so lived with, even without my having raised his expectations, that should not claim from me a sacrifice of that inconvenience to his preservation." I fear my indiscretion, aggravated by report from those who were jealous of the intimacy which I was then honoured with, have done me injury in your opinion; but except in the Cambridge election, where I was pre-engaged, I have never acted contrary to your wishes. I am now at extremity, and the only solution to this despair and ruin is, that your Grace should apply to Lord Shelburne or Orde for a seat which has been offered at a price, and should give me that price by a draft at six months or otherwise. I believe that if I were assured of my liberty, I could repay what I ask to be advanced.

D. Pulteney to the Duke [of Rutland].

[1782, December ?]—I assure your Grace that I intended no disrespect by the expressions of my last letter, but wrote under the pressure of a desperate situation. I am much relieved, however, by your Grace's assurances.

R. Bishop of Llandaff to the Duke of Rutland.

1782, December 27. Cambridge.—As to the statue, I believe the scheme is abandoned. "I do not know what the Ministry *have* done with respect to America, but I know what they *ought* to have done; they ought to have admitted her independence in the most unequivocal and unconditional manner; and, having done that, she would either have ceased being the *offensive* ally of France, or she would have been *justly* considered by this country as an inveterate enemy whom we had a *right* to subdue, if we had the power to do it. No engagement with France can authorize America to abet the unjust views of that Court; but whilst her independence is in any degree withheld she is fighting her own battle, and, in my judgment, engaged in a just cause."

Lord Robert Manners.

[1782.]—A copy of Latin verses to the memory of Lord Robert Manners. *Signed* R. Grosvenor.

The Same.

[1782.]—Draft of an inscription to be placed on a tablet erected by the Duke of Rutland to the memory of his brother.

[General] A. St. Leger to the Duke of Rutland.

1783, January 9. Barbados.—A friendly letter, complaining of the effect of the climate and the want of active employment.

R. Bishop of Llandaff to the Duke of Rutland.

1783, January 10. Cambridge.—Sending some letters relating to the late project for a memorial statue to Lord Robert Manners.

George Cartwright to the Duke of Rutland.

1783, January 29. Marnham.—Mentioning that Lord Shelburne has asked the writer's opinion concerning the improvements which may be made in the Labrador fisheries, and enclosing a memorial. *Memorial enclosed.*

[Admiral] J. Gambier to the Duke of Rutland.

1783, January 30. Queen Street.—Referring to a promise by the Duke to use his influence with the First Lord of the Admiralty, and urging an early application in his favour.

Thomas Thoroton to the Duke [of Rutland].

1783, February 1. Scriveton.—I am so retired here that I have not heard one syllable about the peace beyond what the newspapers give us. I am sure a peace is desirable and necessary. The fireplace in the late Duke's dressing-room at Belvoir has been found to be built upon a beam, which is burnt above one third through. I fear the beam must be taken out and a wall built up from the foundation to supply the deficiency.

Richard Gamble to the Duke of Rutland.

1783, February 4. *Apollo*, off Cadiz.—"The *Apollo* and *Bombay Castle*, of seventy-four guns, being ordered to reconnoitre the combined fleets which rendezvous at Cadiz, we in consequence appeared off there on the 26th of last month, distant from the enemy two leagues. It being clear weather, we plainly counted sixty sail of men-of-war and a great number of transports, the French Admiral having a white flag at the main-top-gallant masthead. The next day we spoke a neutral vessel which left Cadiz the day before. Her account of the enemy corresponded with what we had seen, with this addition, that the whole reinforcement intended for the West Indies was to sail by the 14th inst. The *Bombay* going to England with this intelligence, gives me an opportunity of informing your Lordship we are ordered to stay on the coast to watch the enemy's motions, with an intention to apprize Admiral Pigot that the enemy are on their passage, which will give him an opportunity of intercepting them before they form a junction with their fleet in the West India Islands. If the above news is any satisfaction to your Lordship, I shall be very happy in being the means of acquainting your Lordship with it."

Henry Boyce to the Duke of Rutland.

1783, February 5. Portsmouth.—Having served on board H.M.S. *Resolution* under Lord Robert Manners, I ask your influence to obtain employment from the Admiralty.

MAJOR H. F. R. STANHOPE to the DUKE OF RUTLAND.

1783. February 15.—I have waited with anxious expectation for the opportunity of a private conversation with you, but being convinced that it is vain to look for it, I cannot sit down satisfied without making one exertion. As I am sure no other cause of coldness has existed between us, I can only impute your withdrawing your friendship to our different sentiment on political subjects—a difference of opinion I little expected ever to experience. Attached to you by friendship, it was my wish and expectation to have adhered to your political principles, which I thought coincided with my own. Under this conviction I came into Parliament by your friendly assistance. We were both attached to the same men and the same measures until the unfortunate separation of those men which took place upon Lord Rockingham's death. You then sent for me and desired me to follow the direction of my own judgment, assuring me that you left me to be guided by my own conviction. Since then, you have never been confidential with me upon political or any other subjects. If you had expressed your wish that I should support Government, I should have had no alternative but to obey or resign my seat. Had you left me to myself I should have doubted before following my own judgment. But when, unsolicited by me, you proposed in the most unreserved and handsome manner that I should follow Mr. Fox if my principles inclined me to oppose Government, I did not apprehend that I should offend you by so acting. I appeal to your candour to judge of my conduct. I must also remind you of the sacrifice I made to your friendship by accepting in your regiment a rank inferior to that which I actually held in the Guards, a step which has been most unfortunate for myself.

DANIEL PULTENEY to the DUCHESS OF RUTLAND.

[1783, February 17.] House of Commons.—Mr. Pulteney "begs the favor of her Grace to excuse this scrap," and the very doubtful news it conveys. It is generally believed the Ministry will carry the question, but certainly by no great majority. Fox and Lord North have been laughed at for their alliance by almost every speaker. It is now a quarter past one, and neither Fox or Pitt have yet risen.

LORD BARRINGTON to the DUKE [OF RUTLAND].

1783, February 19. Beckett.—I have read in the newspapers of your having accepted the staff which was so many years in the hands of your grandfather. I take the earliest opportunity of expressing my satisfaction that the staff of Lord Steward has been so properly given.

CHARLES HOWARD to the DUKE OF RUTLAND.

1783, February 20. Portsmouth.—Your friends will welcome your new appointment, as likely to be the means of drawing you out of that retirement and pensiveness you have too much given way to since the death of your brother, and because it will oblige you to take part in the business of the country, which is much in need of men of your Grace's character. I have been confined by an attack of rheumatic gout, but hope soon to have the pleasure of calling upon you.

JOHN HUNTRISS to the DUKE OF RUTLAND.

1783, February 21. Scarborough.—Congratulating him on his appointment as Lord Steward of His Majesty's household. Mentioning the death of a common councillor of the borough, and asking the Duke to obtain the vacant place of surveyor for William Thompson.

WILLIAM PARKIN to the DUKE [OF RUTLAND].

1783, February 21. Scarborough.—Applying for his interest for an appointment as Inspector of Windows.

DANIEL PULTENEY to the DUCHESS OF RUTLAND, in Arlington Street.

[1783, February 21.]—The motion now debating is nearly as follows: "That the Peace is not, comparatively with the state of other kingdoms, as good as could have been expected. Powys, as before, has spoke very well and wittily against the motion. Sir Cecil Wray has declared that he will stop here and give no vote at all, that he will not follow his colleague, Fox, in his violent measures." This was the more surprising as he is one of the blue and buff. I think the ministers will certainly be nearer to-day than they were the last time, if they have made proper exertions in telling the House and canvassing. Lord J. Cavendish, in a long speech, has been recommending a coalition of parties, with an exception to Lord Shelburne only. Neither Pitt nor Fox have yet spoken.

WILLIAM DAWES to the DUKE [OF RUTLAND].

1783, March 4. Portsmouth.—Having served on board the *Resolution* under Lord Robert Manners, let me ask your interest to obtain me employment.

HENRY BOYCE to the DUKE [OF RUTLAND].

1783, March 6. Portsmouth.—Mentioning the Duke's reply to his former letter, and making a further suggestion as to his application for employment.

WILLIAM DAWES to the DUKE [OF RUTLAND.]

1783, March 20. Portsmouth.—Concerning a sketch of the fleet at St. Kitts, for which the Duke had expressed a wish.

LORD SYDNEY to the DUKE [OF RUTLAND].

1783, April 4.—Lord Shelburne and Mr. Pitt both concur in the propriety and indeed necessity of your being in town on Monday. I have contrived to let it be known to the Duke of Portland that you are coming. "I understand that Jersey's hounds are offered to Hinchinbroke. This is a Whig Ministry!"

D. PULTENEY to the DUKE OF RUTLAND.

[1783, April?] Sunday. Newmarket.—The meetings were very full, and though there were ex-ministers here of all sorts, I do not remember to have heard a word of politics. I am as impatient for being a member of Parliament as Sancho was of being made a governor.

D. Pulteney to the Duke of Rutland.

[1783, April?] Tuesday. Newmarket.—On sporting matters, and giving political gossip.

Lord Keppel to the Duke of Rutland.

1783, May 1. Admiralty.—Enclosing a letter from Captain Sutton.

Sir James Lowther to the Duke of Rutland.

1783, May 3. Charles Street.—Requesting him to speak to General Smith and his son and the two Mr. Suttons, Mr. Pochin, and other friends, to attend the House early on Monday next, "when a malicious petition is to be presented relative to the Westmoreland Militia."

[J. S.] Copley to the Duke of Rutland.

[178–,] Tuesday.—Requesting the Duke "will do him the honour to fix a time for him to take his Grace's portrait. Mr. Copley has reserved two figures that the Duke may have that which he prefers, and he wishes to know which that will be, that he may make use of the other before the pears leave town."

D. Pulteney to the Duke [of Rutland].

[1783, August 3 or 10?] Saturday. Brighthelmstone. — "This place contains, besides Pitt, a great number of very distinguished names, and amongst them your favourite Lady Jersey, who has shown no great reserve to some of her friends, though at present she is waiting for a successor to Lord Carlisle. . . . It seems generally agreed that Pitt may be Prime Minister as soon as he will, which Vernon told me Rigby told him, who was told so by Lord Thurlow, who was told so by the King before he went to Spa." I am ashamed of sending such stuff to you, who must be better informed; but certainly "Pitt has the *monstrari digito* whenever he appears abroad here, and I believe the real confidence of every man of every description."

Lord George Sutton to the Duke of Rutland.

[1783, August] 27, Wednesday. Grosvenor Street.—Concerning an application for an appointment for Mr. Peart.

Alleyne Fitzherbert to the Duke [of Rutland].

1783, October 1. Warsaw.—I have arranged for eighty bottles of my best Tokay to be sent you from Brussels. "I have been resting myself here these ten days, and can truly say that I never spent ten days with more satisfaction, owing chiefly, if not solely, to the kindness and the society of His Polish Majesty. You may depend upon what I say when I assure you that he is not only one of the most pleasing, but one of the most sensible and well-informed men that I ever met with; and far from attributing to him personally the smallest share in the calamities his country has been exposed to of late, I am persuaded, on the contrary, that if it had been possible to have averted either by courage or address he would have effected it." I am just on the point of starting for St. Petersburgh.

D. Pulteney to the Duke [of Rutland].

1783, November 7. Southampton.—I shall "fully state to your Grace what every principle of prudence and honesty suggested as soon as I received your Grace's letter in April. A bare existence in England out of a jail by means of Parliament is, I assure your Grace, no object with me in my present circumstances. I should endeavor to make myself as usefull as I could there to Pitt for half a year or a year, and in the meantime settle as well as I could all my affairs, and I then think the being thus patronized by your Grace, together with Lord Chatham's and perhaps Pitt's own good wishes, might get me some appointment to the East Indies." I should then leave your borough open for any of your friends, and perhaps stand some chance of repaying you. This I have considered ever since your Grace's promise of bringing me in at a dissolution.

Mr. Lyte was a month with me at Frampton's. "He told me the King had a great opinion of your Grace, and that your situation was at present undoubtedly the greatest of any one he knew. He had been sent to the House of Commons by the King to hear the debate on the Prince of Wales's establishment, when I remember Pitt was particularly great, and he says the King thinks it impossible Pitt should long keep himself out of the situation he declined, though at that time he fancied at first Pitt was deserting him, and not so bold as Fox would have been at the same age. He said Lord Shelburne was not at first much liked, but he would have grown a favourite very fast with the King if he had continued. As Lyte has no holiday in the year but at Frampton's, nor is allowed by the King to go anywhere else to open his mouth, I have no doubt the above is very true."

G. Selwyn to the Duke [of Rutland].

1783, November 15. Cleveland Court.—On business.

Thomas Foster to the Duke [of Rutland].

1783, November 18. Scarborough.—Acknowledging the safe arrival of the Duke's present, a picture of his late brother.

* William Pitt to the Duke of Rutland.

[1783,] November 22, Saturday. Berkeley Square.—[*Correspondence, p.* 4.]

D. Pulteney to the Duke [of Rutland].

[1783,] November 23. Southampton.—I thank your Grace for the effectual assistance contained throughout your letter. As soon as I am settled in France I shall inform you. It seems ridiculous in me to form a guess at such a distance, but it appears to me "if Pitt employed the same emissaries and means of getting members together that is practised by the other party, Fox's ministry might be destroyed next week with his India Bill, which is, to be sure, the most barefaced, violent act since the Act of Settlement, and will really give him if carried a power of five or six years' continuance, independent of the Crown, over all the Eastern Empire."

Baron Helldorff to the Duke of Rutland.

1783, December 1.—Mentioning the writer's *Historical account of the Prussian army.*

——— to ———.

1783, December 2. Wargrave.—"On my return yesterday from town, I met several boys coming from Eton, who informed Lord Baugmore that they were all going home, Dr. Davies and the masters having thought proper, after what had passed, to dismiss the boys for the Christmas holidays. Instead, therefore, of pursuing my journey immediately to Wargrave, we turned off at Slough for Eton to collect my Lord's clothes, &c., for the holidays. On the return of the Provost last week to Eton, I was informed that the assistants had taken the earliest opportunity of waiting on Dr. Davies with their resignations. Their complaint was then made to the Provost, who requested them to explain wherein Dr. Davies had been negligent in the discharge of his duty, and in that case the statutes would authorise him to redress any breach of them. They all bore honorable testimony to his diligence and zeal in the execution of his office, but complained of his injurious and ungentlemanly behaviour to them. The Provost expressed his concern for their private differences, which he said were not a statutable object of his cognizance, and offered his mediation to heal their differences, which was accepted of by both parties. Nearly two days elapsed in recriminations and messages, and nothing was settled. In this interval about ten of the oppidants, mostly very irregular boys, drew up a list of their grievances, such as absences, &c., and presented them to Dr. Davies, who for a day or two had conducted the business of the upper school by himself. They were of course rejected by him, which was the signal of revolt to those ten boys and the inferior forms; for the captain of the oppidants, all the upper part of the school, and all the collegers to a boy, disapproved of, and never joined in, the disturbance. Dr. Davies was drove out of school, and with great difficulty escaped by a back door to the Provost's; and, but for this fortunate escape, he would probably have fallen a victim to the wanton insolence of a few oppidans of the upper part of the school, and those in the lower forms. They then proceeded to break all the school windows, and all Dr. Davies', and then broke into his chambers, made a general havoc of his furniture, and destroyed his papers. The assistants, who had laid aside their gowns, then took the alarm; they met Davies at the Provost's, overtures were made by Dr. Davies to prevent further outrage, and they resumed their former office of assistants. By this time the boys had made a complete destruction of all the windows in the school, and the holidays were announced to them, and they left Eton. *A perfect reconciliation and harmony* is now declared on both sides to subsist between Dr. Davies and assistants. But mark the end. A party is forming, I am well informed, for certain of the boys' parents to meet in the holidays and to declare that unless Dr. Davies is removed from the school their boys shall not return to it. I hope the assistants do not encourage this plan, for should this be the case, and Davies remain obstinate, how will the assistants act? They are now reconciled to Davies; will they then quit the school afterwards with their pupils? Their measures are generally thought to have been ill-timed and precipitate, and the school will certainly be much hurt, for Davies, too, has his supporters, I hear. My Lord Baugmore and his brothers are all well, and Augustus' arm in a fair way of returning to its wonted activity; however, we shall send for a pidgeon from Windsor to see that all is right. The signal of a rebellion in future at Eton, I conclude, will be to flog or kill the masters."

* William Pitt to the Duke of Rutland.

[1783,] December 6, Saturday night. Berkeley Square.—[*Correspondence, p. 5.*]

* William Pitt to the Duke of Rutland.

[1783, December 23.] Berkeley Square.—[*Correspondence, p.* 6.]

The Duke of Beaufort to the Duke [of Rutland].

1783, December 24. Badminton.—I desire you will express to His Majesty my grateful acknowledgments for the offer of the office of Lord Chamberlain, but I must beg leave to decline the acceptance of that honour at present. I thank your Grace and Mr. Pitt for the obliging manner in which you have conveyed me His Majesty's message.

John Huntriss to the Duke of Rutland.

1783, December 26. Scarborough.—In the expectation of a dissolution, George Wiggin Osbaldiston, Esq., has offered himself a candidate for this borough. I hope your interest is strong enough, in spite of this opposition, to secure the nomination of one of the representatives. Mr. James Cooper will inform you where to find the electors who are in London.

Charles Howard to the Duke of Rutland.

1783, December 28. Portsmouth.—Congratulating him upon becoming a member of the new Administration.

D. Pulteney to the Duke [of Rutland].

[1783,] December 28. Southampton.—I set out to-morrow for France. The people here approve highly of the new appointments, and Pitt's attention to borough interest has rescued him, in the opinion of the coffee-house politicians here, from being too virtuous and speculative for a minister. As to the dissolution, it has certainly hurt Pitt in point of character for spirit and firmness that no such event has taken place, probably with as much justice as other political judgments are commonly passed. Of the thirty or forty independent members, there are not ten who do not think of the 1,000*l.* or 2,000*l.* which it will cost them to be re-elected. "If there is no prospect of a dissolution, and Pitt will bring me in for some Looe or Newton, I will engage to speak as much nonsense for him as his opponents for the most part do against him."

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[George] Nugent, Earl Temple to the Duke [of Rutland].

1784, January 11. Stowe.—In answer to your enquiries relating to the office of Lord Lieutenant of Ireland:—On a rough estimate my establishment would have required at least 15,000*l.* per annum added to the present salary of 20,000*l.* I think you must calculate upon spending that sum from your private income. The sum of 3,000*l.* is always given for equipage money, and you will find your first expenses exceed that sum. Do not engage for your aides-de-camp, chaplains, or pages, till I have told you what of these you will be forced to give in Ireland. The government of that kingdom is

indeed most delicate. Part of Lord Northington's correspondence I have seen, but had not time to consider the whole, and therefore am unable to enter into a minute plan which I should otherwise offer to you. I will discuss it with you when I come to town, and, if wished, meet you with your official friends. "The task is difficult, but with your principles, firmness, and moderation, I have no doubt but that you may govern with advantage to the empire, and credit to yourself."

ORDER IN COUNCIL.

1784, February 11. St. James. — Appointing Charles, Duke of Rutland to be Lieutenant-General and General-Governor of His Majesty's kingdom of Ireland. *Signed by* Stephen Cottrell.

The EARL OF HILLSBOROUGH to the DUKE [OF RUTLAND].

1784, February 13. Hillsborough.—Recommending Mr. Richard Magenis as one of his aides-de-camp.

HENRY DUNDAS to the SAME.

1784, February 13.—Gratefully accepting the offer for his nephew to be aide-de-camp to the Duke.

The MARQUESS OF LOTHIAN to the DUKE OF RUTLAND.

[1784, February 13,] Friday.—"I am extremly sorry that illness prevents my meeting my Irish friends this day in Arlington Street, and, as it is likely I may not see you again for a long, long time, I send you my best wishes, which I had rather do by writing than seeing you, praying that every comfort may accompany you and every success attend you in your difficult undertaking."

The SAME to the SAME, in Arlington Street.

[1784, February?] Saturday morning.—If General Burgoyne resigns the command of the army in Ireland, I think an offer of it to Lord George Lennox would be proper to make. I had not an opportunity of speaking about it yesterday at St. James'.

LORD HOOD to the DUKE OF RUTLAND.

1784, February 14. Dover Street.—Introducing the bearer, Mr. George.

LORD MONTFORT to the DUKE [OF RUTLAND].

1784, February 16. London.—Introducing his son, Henry Bromley.

* WILLIAM PITT to the DUKE OF RUTLAND.

[1784,] February 17, Tuesday night. Berkeley Square.—[*Correspondence, p.* 6.]

The Earl of Chatham to the Duke [of Rutland].

[1784,] February 17, Tuesday. Berkeley Square.—I have enclosed, as you desired, a blank proxy for you to execute. I will only add, many, many sincere and affectionate good wishes for your success.

Lord Sydney to the Duke [of Rutland]

1784, February 17. Albemarle Street.—"Your instructions and all papers relating to the Government of Ireland will be delivered to Mr. Orde to-morrow, who sets out to meet your Grace at Holyhead.

"However, as I understood that you expected to receive some notice on this subject by a messenger to be dispatched this evening, I thought it of importance that you should not be disappointed. I have nothing new to send you. The foolish Committee at the St. Albans are trying with Mr. Pitt to make out something of the steps that have been lately taken; but Mr. Pitt seems firm. That beast Lord North adds to the beauties of his character by threatening to stop the supplys.

"We are clear that you will make an excellent Lord Lieutenant, but we much regret the loss of you as an excellent Lord Privy Seal.

"Lord Chatham has delivered me your Grace's message concerning Major Manners. I touched upon that string yesterday with the King; but he seems determined that McLean shall not retain his rank if he sells. I do not think the other part of the business quite desperate if that could be got over. I will return to the charge to-morrow, but still have little hopes to gain the first point; but if that wild thief Mac will be tractable upon it, I have my hopes upon the second and essential point, though the King talked of his youth.

"I shall have a letter to write to you upon the subject of the Geneva emigrants, whom Lord Northington has affected to discountenance, because the scheme was Lord Temple's. I think they ought to have at present the support of Government, and that they will be of use to Ireland.

"My messenger will wait for the Duchess's letters, as I thought that your Grace would not forgive me if I did not facilitate every communication between you. You may depend upon the punctuality of my correspondence, and that I will give you as early an account as possible of every material circumstance on this side of the water."

The Earl of Northington to the Duke [of Rutland].

1784, February 19. Dublin Castle.—Congratulating him upon his appointment to the Government of Ireland, and offering assistance.

William Pitt to Sir E. Newenham.

1784, February 19. Berkeley Square.—I hope you will excuse the delay in my acknowledging your letter. It is difficult for me at present to say anything, the Lord Lieutenant being set out for Ireland, and his recommendation upon such subjects being very essential.

Earl Temple to the Duchess of Rutland.

[1784, February 19 (about).]—Expressing his opinion that the Duke could not get such a carriage as he wished built in Ireland, but recommending that a chariot should be bought in London and sent round by sea.

M. O'Byrne to the Duke [of Rutland].

1784, February 26. London.—Though we differ a little in politics, give me leave to introduce my friend, Mr. William Doyle, a gentleman who is perfectly acquainted with the true interests of Ireland. He has, however, the misfortune of differing with you, as I do, in a few trifling particulars, which I fear will prevent him taking a public, decided part with you. "I was not a little mortified to hear from Bob Thurroton that her Grace the Duchess was much peeked at my passing through Arlington Street on my friend Charles' coach-box with Lord Surrey, &c. I went with Charles not only as a private friend but as a publick man, whom I think must have a large share in the rudder of this distracted island, or else down wee go by the Almighty, that's my opinion. But that her Grace could think so meanly of me as to suppose I could hish a catt belonging to her is doing me great injustice, and what I am incapable of. Once more adieu, my Lord Duke. You'r really a good fellow, and I most sincerely wish your Grace success. Stick to *Doyle*, a *word* to the *wise*."

Viscount Lifford to the Duke [of Rutland], Lord Lieutenant.

1784, February 26, Thursday.—Stating that the (Irish) House of Lords had passed, with only one negative, the address moved by Lord Mornington; and asking at what time it would be convenient to his Grace to receive the address.

The Earl of Northington.

[1784,] February 27.—Memorandum that it was arranged by Lord Northington to obtain the reversionary grant of Secretary of State for Mr. W. Ponsonby, and that Mr. Burton, nephew to Mr. Ponsonby, should be appointed paymaster to the troops abroad.

Arrangements.

[Same date ?]—Notes apparently of an interview, in which various gentlemen were mentioned for peerages or for advancement in rank. *In the handwriting of the Duke of Rutland.*

The Earl of Northington to the Duke [of Rutland].

1784, February 27. Castletown.—"When I had the honour of an audience of your Grace, the subjects were so numerous we had to discourse upon, that everything I had to mention to your Grace could not immediately occur. To this hurry I have to impute my neglect in omitting to mention to your Grace Lord Gosford's name as one of those barons to whom my administration was pledged, in the event of its continuance, to recommend to His Majesty for the degree of Viscount in the peerage.

"His Lordship is perfectly respectable, of considerable fortune, and has been some years a baron, consequently very fit for such a mark of His Majesty's grace. I have likewise to add that his brother-in-law the Bishop of Ferns was the only bishop, out of four who hold boroughs, that gave his *two* seats to the nomination of His Majesty's Government, a conduct which certainly deserves to be noticed."

The Earl of Northington to the Duke [of Rutland].

1784, February 27. Castletown.—I should have mentioned to your Grace the situation of Lord Antrim, whose family is one of the oldest in the kingdom, and who, on applying to the King for a remainder to be given to his daughter, had a promise of his wish being acceded to.

R. Archbishop of Armagh to the Duke [of Rutland].

1784, February 29. Henrietta Street.—I have received your draft for 1,000*l.*, and shall distribute the money, as you direct, for the benefit of poor manufacturers in the different parishes. A donation of this kind must be understood to proceed from a friendly disposition to the welfare of this country.

The Earl of Northington to the Duke [of Rutland].

1784, February 29. Castletown.—I am glad you are satisfied with the open and liberal manner in which I have communicated what I thought would give you assistance, and I thank you for repairing the slight the King's ministers in England have put upon me, and recommending afresh my nomination to the deanery of Waterford. You have my best wishes in the arduous post you have undertaken.

John Fitzgibbon to the Duke [of Rutland].

[1784, February.]—Recommending Mr. Stewart to succeed to the office of Surgeon-General in case of a vacancy.

Earl Gower to the Duke [of Rutland].

1784, March 3. Whitehall.—I congratulate you on your safe arrival. The only Irish member of Parliament of my acquaintance who is a speaker of weight is Mr. Scott, the present Prime Sergeant. I believe him to be an able and honest man, and if your political connexions do not prevent it, I shall be obliged to you for any mark of favour you can give him in his professional line. I am obliged to you for waiting half-an-hour to receive the zealous congratulations of my friends at Newcastle. Our situation on this side the water is a little improved since you left us, and I believe the Duchess of Rutland's opinion of the characters and politics of Brooks's is not changed since the late violent and unjustifiable attack upon Mr. Pitt and his friends. But you will have better and more circumstantial accounts from others of the state of this country.

Lord Sydney to the Duke [of Rutland].

1784, March 3. Whitehall.—"I have been waiting from day to day in hopes of sending you something more determinate than I can even now transmit to your Grace. Divisions have run much as usual in the House; there, however, is this to be remarked, that the members for Bristol and Sir C. Bamfylde, member for Exeter, thought it unadviseable to vote for the last address of the House of Commons. This looks like a shake. It is doubted whether they will be able to carry their question upon the Mutiny Bill, which is to limit the duration to a month. They do not seem inclined to oppose the supplys directly; at least, I think they find great difficulty in bringing up their troops to that attack.

"Mr. Pitt performs something better every time. There was a vigorous attempt made a few nights ago to remove that obnoxious Minister from His Majesty's presence and councils for ever by a mob of chairmen from Brooks's, who had nearly effected their purpose. Lord Chatham's carriage was demolished, and many bludgeons aimed at his head as well as at his brother's; their servants who defended them were very severely handled. I was not present, but went up to White's from Lord Temple's, when I heard what had passed. I some time afterwards presumed to go into Brooks's, which gave so much offence, that there is no abuse that can be thought of that is spared upon this occasion. I was going alone, but my son, in spite of my entreatys, would go with me, and his behaviour in the midst of a number of bludgeons was such as to recompense me very amply for all the abuse that can be thrown upon me by the banditti, either above stairs or below.

"Negotiation, I think, is now quite at an end; though Powys and Marsham break out with a bit of a proposal every now and then. Since one of the high contracting parties has objected to the word *equal*, as inadmissible, all prospect of agreement seems to be lost.

"I cannot rejoice at anything that happens in these times, for though I have as little inclination as any man that breathes to quit the ground upon which I stand, or to yield to the insolent demands which are made, yet I see the innumerable difficultys in carrying on the business of the country. In spite of all we can do, I see it stand still when every exertion ought to be made.

"I have of late received many extraordinary dispatches from your Grace's predecessor. He is much offended at his having received no signification of the King's approbation of *his services*. God help the man; was there ever so absurd an expectation? He resigns precisely at the only time that it could be of detriment to His Majesty's business, not to say more. He sends his resignation with every mark of intemperance, and then is offended that" he is not thanked for his egregious absurdity. Give me leave to recommend to you the consideration of Lord Courtown when you have an opportunity. "The King empowered me to use his name fully to your Grace, and I sincerely say that I have no doubt but the success of Lord Courtown will be very pleasing to His Majesty." The favour was asked of the Duke of Portland, who was anxious to do it, as it was the only *wish* His Majesty expressed to that administration. *Marked* "Secret and separate."

The Duke of Rutland to [Earl Temple].

1784, March 8. Dublin Castle.—A dispute has arisen between the Primate and the Archbishop of Dublin with respect to the precedence on the ceremonial of the Order of St. Patrick. The Primate claims to walk single. The Archbishop claims to walk at the Primate's left hand. I ask for your opinion and decision as to what was understood and intended as to their particular ranks when you founded the order. The matter seems trifling, but the dispute is conducted with great heat. *Draft.*

Lord Amherst to the Duke of Rutland.

1784, March 9. Whitehall.—Recommending an officer of his own name.

Lord Sydney to the Duke [of Rutland].

1784, March 9. Albemarle Street.—As to the protecting duties, and the trade of Portugal, I must postpone any opinion till I send an English

messenger, which I hope to do in a very few days. I agree with you, that what relates to the Navigation Act may well be likewise postponed. As to the Parliamentary reform, *I* look upon it as a measure so ruinous to the prosperity of Ireland, that I cannot doubt of the good sense of the Parliament on this occasion, or of their disposition to reject so crude and undigested a proposal.

I entirely agree with you upon the Post Office Bill. It ought to be carried through as expeditiously as possible. As to the illiberality of excluding all privilege reciprocally on each side of the water, I do not see the matter in the same light. Privilege of franking had its original foundation in the necessary communication between the representative and the constituent. That principle cannot, with any reason, be extended to the English member franking in Ireland, or the Irish member franking in England. But if, hereafter, there should be a disposition in both countries to shew that kind of civility and indulgence to each other, I shall readily adopt whatever promotes harmony and good neighbourhood.

I am glad to find that you think that the Duke of Leinster relents. If he attends to his own interests and consequence, he can see no advantage to either in opposition to your government. It is the business of all men of property and real weight to support you; and to suppose that a man will sacrifice those considerations to a fancied connexion with English politics, is to pay no very flattering compliment to his understanding. It is certainly desireable to gratify the Duke of Leinster in every reasonable wish; but if he will not enter into any engagement with you, I think the King will have no objection to your proposal with regard to Lord Clifden, if you should, upon further consideration, think proper to make it.

"You will hear of the majority of *one* against us yesterday. They have declined opposition to the Mutiny Bill to-day, and seem completely out of spirits."

We have appointed a Committee of Council to transact the business of the late Board of Trade; they are to meet to-morrow for the first time. This will be useful, and a great relief to my office. *Marked* "Secret and separate."

The Marquess of Lothian to the Duchess [of Rutland].

[1784,] March 9. Waverley.—I have just received your kind letter, and intreat you to thank my friend for his remembrance of my recommendation. I hope most truly that the firmness of His Majesty and his present Ministers may continue, which will ensure you a comfortable reign in Ireland. I hope you and your children are all well, and that you will have a prosperous voyage.

* William Pitt to the Duke of Rutland.

1784, March 10, Tuesday night. Berkeley Square.—[*Correspondence, p.* 7.]

[The Duke of Rutland to Lord Sydney.]

1784, March 10. Dublin Castle.—I am glad to be able to inform you of the prospect here of a quiet and well-supported administration. A general disposition for English government, and an aversion from the innovations proposed by restless individuals, seem to be the prevailing principles of all the leading men with whom I have conversed. "The protecting duties and the reform of Parliament are the two great popular questions to be brought forward in the course of this session;

and I flatter myself the Cabinet will agree with me that they are to be met by a firm and decided opposition. In a former despatch I mentioned an idea that Mr. Gardiner's proposition might be a small duty of five per cent. on the import of English manufactured goods, and I suggested whether *in that case* it might not be the opinion of ministers in England that some concession should be made. But I must inform your Lordship that I understand this to be but a part of his whole plan, which extends likewise to a duty amounting to a prohibition on the export of raw materials such as linen and woollen yarn. But this second part of his scheme is not to be brought forward till a future period. With respect to the reform of Parliament, on the suggestion of Mr. Brownlow, a meeting was held on the seventh at Lord Charlemont's to take the subject into consideration. It was attended by about forty persons, when it was agreed that a Bill should be brought in framed on the plan of the National Convention, but that all allusion to that assembly should be studiously avoided in the introduction of the business. Mr. Brownlow moves, and is seconded by Sir E. Newenham, and Saturday is the day fixed for the motion. It is my intention to give leave for the admission of the Bill, and to reject it with grave and solid arguments, which I trust will be done by a very great majority."

Lord Bristol (Bishop of Derry) has been quiet, generally, though Lord Hillsborough sends me a Derry Gazette with some factious answers to violent addresses. I shall keep a vigilant eye on his conduct.

As to Post Office arrangements and the purchase of Mr. Hamilton's place, I cannot yet speak precisely, as the negotiation with the Duke of Leinster and the Ponsonbys still remains open. Lord Annaly is dangerously ill. In the event of his death, I should recommend Mr. Scott, the Prime Serjeant, as his successor. The important cause respecting the Ely property is now coming to immediate decision. It is the first act of appellate jurisdiction of the House of Lords of Ireland. There are great apprehensions of this power in the minds of the deliberate and wise part of the nation. They dread the importation of private prejudices, which are already operating, to my own knowledge.

Mr. Orde took his seat yesterday, and spoke well. I cannot adequately express his unwearied exertions and prudent management. He did not omit to remind me of the application respecting Lord Courtown. Indeed, I want no spur to my zeal in regard to a recommendation coming from the Duke of Montagu and yourself, and in which the King has expressed a wish. *Draft, partly re-written.*

Lord Hawke to the Duke of Rutland.

1784, March 10. Bloomsbury Square.—Introducing and recommending Major Kidsdale.

Lord Camelford to the Duke [of Rutland].

1784, March 11. Oxford Street.—Recommending a young clergyman for a benefice on family grounds.

William Constable to the Duke [of Rutland].

1784, March 12.—Recommending Captain Johnson, an old officer, and his family to the Duke's protection.

Lord Sydney to the Duke [of Rutland].

1784, March 17. Whitehall.—"Having received to-day by the post a letter from a Mr. Chamberlain at Scarborough inclosing one to your

Grace, I thought it right to lose no time in transmitting it to you. I therefore dispatch a messenger on purpose, as the contents of a Scarborough letter at this time may be of moment to you. Our day of d——n is not fixed, but not far off, and the country in excellent humour. There is a great contest threatened at York upon the address, and many grandees on both sides gone down; we expect to carry it. They do not stir much in the House of Commons, but such patriots as Beauchamp and Eden snarl a little now and then, and shew their white teeth and whiter livers.

"Your letter of the 20th gave us great satisfaction. If Mr. Orde's modesty will accept them, make my best compliments of congratulation to him on his outset in the Irish House of Commons.

"I write to General Cunningham by this messenger. I mean to re-state to him the King's intentions notified to him by my letter to Lord Temple, from the spirit of which I have never varied, and *he* cannot think I have. I really think he will have the first regiment of dragoons vacant in *Ireland*, but the King will not bind himself by an absolute promise, and I do not think that the General acts wisely in pressing it in the manner he does. Your Grace very well knows, that from the first moment of your appointment I thought he had a right to that favour, and that if there had been a vacancy on the staff of a Lieut.-General that he had very good pretentions to be offered that office. I hope I have writ civilly to him, and wish that, if you have no objection to it, you would assure him of my real intention to serve him to the best of my power, and that there are others of the King's Ministers who are equally well inclined to him.

"You shall hear from me again in a very few days. The Chancellor is laid up with the gout, which delays our business. Lord Mansfield is much out of order, and, I think, breaks visibly very fast.

"The Opposition are trying to run down Mr. Pitt upon the subject of the reform. They call him a lukewarm friend. You know that I could, from my heart, forgive him that crime, if he were guilty of it, but the accusation is both false and impudent.

"I wait Mr. Pitt's leisure to answer many parts of your Grace's letter, which I will do in official form, as soon as I can procure his opinions."

"P.S.—The Duchess does the Cabinet the honour of giving them a dinner on Friday."

Sir Edward Newenham to the Duke [of Rutland].

1784, March 18.—Sending a memorial relative to his dismissal from the post of a collector of the revenue in the county of Dublin. *Accompanying this is a copy of memorial to Mr. Pitt, also copy of memorial to the King.*

Henry Dundas to the Duke of Rutland.

1784, [March] 21, Sunday.—Let me recommend Mr. Ross, son of Sir John Lockhart Ross, for promotion, if the request is not an improper one. We had a very merry Cabinet dinner with the Duchess last Friday.

The Earl of Guilford to the Duke [of Rutland].

1784, March 22. Henrietta Street, Cavendish Square.—Recommending Mrs. Mary Wright as an object of charity.

LORD SYDNEY to the DUKE [OF RUTLAND].

1784, March 22.—"Though I take it for granted that Mr. Pitt has acquainted you with the news of the day, I cannot suffer a messenger to go without telling your Grace that the Parliament is to be prorogued to-morrow and dissolved the next day. We are in a great bustle, and I hope we shall have a good deliverance. God speed you in your own work."

* WILLIAM PITT to the DUKE OF RUTLAND.

[1784,] March 23, Tuesday night. Downing Street.—[*Correspondence, p.* 9.]

[The DUKE OF RUTLAND to LORD SYDNEY.]

1784, March 24. Dublin Castle.—"Your Lordship has already been assured that at all times I should very strictly observe the conduct and proceedings of the Bishop of Derry, which, though perhaps less important than distant representation may describe them, ought not, however, to be allowed such latitude and indulgence as must gradually extend to the power of effecting mischief. His lordship's forwardness to seize any opportunity of involving this country in disorder and tumult can be but little doubted, and as the event of the Bill for correcting defects in the representation of the people in Parliament may probably create some agitation in his mind, and be employed by him as an instrument of irritation to others, I have judged it prudent to take preparatory steps to counteract any measure he may be disposed to adopt, strictly attentive to the most cautious and secret mode of proceeding. For this purpose I have despatched a gentleman of the neighbourhood, who will not be suspected by the bishop, and on whom I can certainly depend, to watch the effect which the news of the ejection of the Bill shall produce. I shall be much concerned to find myself obliged to proceed to extremities and to take a step which in every degree might occasion a ferment, or be productive of any temporary confusion; but I think it essential to the interest of His Majesty's Government that an example should be made among the abettors of sedition, if such there be, in this country, should any legal clear ground of criminality be discovered against them.

"The Duke of Leinster, who sees opposition to be no longer effectual, seems inclined to enter upon terms of negotiation. At the same time he declines the office of Post Master, though he is willing to accept any employment—if any such can be formed—more honourable, though not more lucrative. Since my arrival in this country, I have entertained an idea of establishing some of that description, which might become objects to the great peers of this country. A President of the Council and a Privy Seal with rank, and a Speaker of the House of Lords, separate from the office of Chancellor, are objects which occur to me to be very practicable and desirable; if means can at the same time be devised of giving them salaries, without additional charge or burthen to the establishment. But it is necessary to know how far the office of President of the Council can be appointed under a Lord Lieutenant. Your Lordship will therefore be pleased to give me your opinion on this point, and to transmit to me a copy of the appointment of a Lord President in England, in case the idea should be further pursued.

"The Provost, who has always some object in view—and whose objects have not generally been marked with the character of moderation and

humility—is willing to resign his offices of Secretary of State and Privy Seal, provided a similar negotiation to that with Mr. Hamilton should take place with Mr. Rigby, and the Mastership of the Rolls becoming vacant, his views might be gratified with that office. I may observe to your Lordship, that such an arrangement would put it into the power of Government to hold out an object in the Privy Seal to Lord Mornington, who is not only well disposed to take a leading part in favour of Administration, but who by his talents and distinguished abilities is very well qualified for that service.

"Lord Hillsborough's attachment to His Majesty's person and Government is not unknown to your Lordship, and if I may be allowed to form an opinion of his views here from the opportunities I have already had of conversing with him, though he does not seek office, he would not, I believe, decline it, as Speaker of the House of Lords, could the idea suggested above, be carried into execution. His Lordship would, I am persuaded, discharge the duties of the station with honour to himself and utility to the public, and might perhaps feel the gratification of his wishes in being appointed to fill it. Lord Shannon holds the language of a firm friend to English Government. His professions on that head are free and open, nor are they [ ] with any unreasonable demands in favour of his friends and extensive parliamentary connexions.

"Lord Clifden seems perfectly disposed to lend his assistance to Government, but not without a steady view to his object. His particular wish at this time is some official establishment for his second son, and which would be accomplished by his succeeding to Mr. Foster's employment in case of a vacancy. The ease as well as advantage of Government would be more effectually consulted by conferring that office on Lord Clermont in lieu of the Post Office, and removing Lord Clifden to the latter, by which a seat at the Revenue Board would be left vacant. His brother, the Archbishop of Cashel, acts much on the same principles, and pursues pretty nearly the same line of conduct. He does not lose sight of the Primacy or the See of Dublin, but seems content, however, without any promise, and means only, as he professes, to endeavour to recommend himself by his good services.

"Mr. Ponsonby is ready to unite his strength in the support of Government, provided his terms are acceded to. His proposals are similar to those which were agreed upon by Lord Northington, to all of which I cannot give my entire assent. He demands the office of Secretary of State for his son for life, which your Lordship will agree with me is not to be acquiesced in. As his connexions are very extensive, it is of importance that he should be a zealous and unequivocal advocate for His Majesty's Government. I am therefore willing to engage to him the Post Office for his eldest son, a peerage for Mr. O'Calligan, his son-in-law, together with some inferior arrangements to gratify his numerous dependants.

"The views of Mr. Loftus, who is ready to support my Administration, extended to a peerage, which was engaged to him by my predecessor; but some difficulty now arises with respect to his pension, which he had agreed to relinquish. Your Lordship will by this perceive that he has lost his great cause with Mr. Rochford, the judgment of the King's Bench being this day set aside in the House of Lords by the casting voice of the Chancellor. I am sorry to repeat to your Lordship, that in the course of this business much prejudice has appeared, and one very extraordinary and infamous circumstance has been brought to light. Lord Viscount Strangford wrote to Mr. Rochford offering him his vote for the sum of two hundred pounds, at the same time saying that he

would be content to accept a hundred immediately paid down. Mr. Rochford very properly transmitted the letter to the Chancellor, and Lord Strangford is ordered to attend in his place on Friday next, when I trust he will be proceeded against with all the rigour which so notorious an act of corruption and dishonour deserves." *Draft and fair copy.*

[The Duke of Rutland to Lord Sydney.]

[1784, *c.* March 24.]—"He has also undertaken to procure and forthwith to communicate to me certain information upon several important points of which we have not been able to gain sufficient evidence, and particularly respecting the mode the Bishop (of Derry) has taken to enlist and embody the men for his regiment, whether by giving them money, and by obliging them to take and subscribe any particular test, and also in regard to his ordering and importing arms, of which various reports have been conveyed to me. Upon this head, indeed, your Lordship may possibly have it in your power to gain intelligence by proper enquiries addressed to Birmingham, from whence the arms are said to have been ordered. I am further to learn by means of this gentleman whether any suspicious persons who may be supposed to be emissaries from any other quarter in connection or alliance with the Bishop, frequently resort to him, and may be traced to their principals." *Incomplete.*

Lord Sydney to the [Duke of Rutland,] Lord Lieutenant of Ireland.

1784, March 24. Whitehall.—Transmitting a copy of the King's speech on the dissolution of the English Parliament. *Signed.*

The Earl of Hillsborough.

1784, March 25.—Memorandum of conversation between Lord Hillsborough and Mr. Orde, in which he expressed his desire to be Lord Lieutenant's minister for County Down with regard to patronage.

The Countess of Granard to the Duke [of Rutland].

1784, March 26. Lucan Lodge.—Recommending Mr. Little for Church preferment.

Henry Dundas to the Duke of Rutland.

[1784,] March 31. London.—Introducing his nephew, Captain Charles Ross, of the 3rd Dragoons, son of Sir John Lockhart Ross.

The Earl of Stamford to the Duke of Rutland.

1784, April 3. London.—Complaining of the Duchess of Rutland having canvassed votes for Mr. Macnamara for the borough of Leicester.

The Earl of Shelburne to the Duke [of Rutland].

1784, April 3. London.—"Your Grace will have heard the run which the elections have taken in favour of the present Ministry,

Every place is likely to go according to the utmost of their wishes, as far as I hear, except the City, which is entirely ascribed to mismanagement, and there is some doubt about Cambridge, which you understand a great deal better than I do. Mr. Coke is likely to come in for Norfolk, and some other opposition members in other places, merely for want of candidates to oppose them. In the meantime I know nothing decisive of the great points which must finally decide who is right and who is wrong, such as the American commerce, the East Indies, the finance, and the system of alliance on the Continent, which we shall never again, I hope, be without. As to Ireland, I have always thought that as long as this country is unsettled, let what will be done, Ireland will be so too; on the other hand, let the country be settled, though nothing be done, Ireland will be quiet in consequence. I believe even its commerce and its wealth depend more upon this principle than all the laws the greatest orators can think of proposing. I wish, however, for the present, the case was the reverse, and that we depended on Ireland for our tranquillity, for your Grace, by all accounts, has allready found the secret of tranquilizing that country and uniting the material points of it in the support of a government founded on large and honourable principles. I make no doubt your Grace has by this time found out the character of my countrymen, and, among a thousand good qualities, how disposed they are to convert every word into a promise, and that you will not suffer your fine and honourable feelings to be the dupe of arts which have been learnt and hackney'd under administrations of a very different stamp."

"It's difficult to say what will become of this distracted country. I own, notwithstanding present appearances, writing to your Grace as I do in great confidence, I foresee little else than distraction."

Lord Sydney to the Duke [of Rutland].

1784, April 4. Albemarle Street.—Our elections go on amazingly well. Cambridge—Pitt, 334; Euston, 288; Townshend, 267; Mansfield, 181. Westminster looks well. Hood yesterday 262 ahead of Fox, and Sir Cecil 42 ahead of Fox. You seem to go on well. Since I have been in the King's service, I have not seen him so much satisfied with any despatches as yours, either as to matter or to style. I hope the Duchess and all your charming family will arrive at Dublin in perfect health.

The Same to the Same.

1784, April 5. Whitehall.—We are in high spirits here. Our elections go amazingly well. I think Fox will lose Westminster. He is to-day 120 below Sir Cecil Wray, and out of sight of Lord Hood. Lord North has been very nearly shaken at Banbury, and upon a poll would have carried it only by one. "When you make your new arrangements, will you allow me, without attempting to embarrass you," to beg you to think of Lord Courtown. The King is very much disposed to him. He has a very awkward situation to be relieved from. Mr. Pitt is just arrived from Cambridge. He has, I believe, actually chosen Lord Euston. My best respects to the Duchess. We miss you both here, but you are serving the cause effectually where you are.

Lord Clermont to the Duke [of Rutland].

1784, April 5. London.—I have considered your Grace's and Mr. Orde's reasons as to residence very maturely. They have great weight

with me, and I agree with the spirit of them. I shall state frankly my wishes. As I have been Postmaster-General of Ireland for twenty-four years, and during that period have received the approbation of every Postmaster-General here, I think it would appear a want of attention to me if my name were omitted on the first appointment of a Postmaster-General of Ireland. I should therefore wish to be in the first commission; and shall go to Ireland and attend during the whole of the first quarter. At the expiration of the quarter I shall be ready to resign, on such terms as shall seem reasonable to your Grace. Although I really intend to spend part of every year in Ireland, I cannot answer for my being so constantly there as might be expected, and shall, therefore, be willing to resign as I have pointed out, but I do not wish this to be divulged at present.

The Duke of Rutland to Lady ———.

1784, April 5. Dublin Castle.—In reply to your ladyship's application, I must state how much I am embarrassed with applications, and the collection of Lisburne, should it be vacated, is applied for by Lord Hillsborough for a person whose name, so far as I can recollect, is not the same with the one you recommend. Your friend's name shall, however, be inserted in my book of applications. *Draft.*

The Duke of Rutland to Lord Sydney.

1784, April 8. Dublin Castle.—"The last official despatch gave you an account of the debate on the protecting duties, with the rejection of the measure. On the subsequent night, great numbers of journeymen were discharged by the master manufacturers, whose factious conduct, together with a Paving Bill introduced into Parliament by Sir J. Blaquiere, caused a commotion in this city which in its commencement bore a very alarming appearance. The rioters forced open the doors of the House of Commons, and, having taken possession of the gallery, elected among themselves a speaker, and insisted that Mr. Foster, a very respectable member of Parliament—whose name cannot be unknown to your Lordship—should be delivered up to their rage with a rope about his neck. I immediately ordered a body of troops down to the spot, who in a very short space of time quelled the tumult and dispersed the rioters, two or three of whom have been seized and committed to Newgate. I cannot have here the satisfaction of informing your Lordship that the magistrates of this city were by any means sufficiently alert in the performance of their duty. In general they seemed little disposed to pursue those measures of exertion which were alone calculated to put a period to the confusion. A committee is therefore appointed to enquire into their conduct. I have issued out a proclamation offering a reward on the discovery of any persons who should have been found assisting and fomenting the above disturbance, and, in consequence of an address from the House of Commons, a reward has likewise been offered for the apprehension of the printer and publisher of a seditious paper called '*The Volunteer's Journal*,' which was voted a scandalous libel and an insult on the King's government. For the present the disorders appear to have subsided, though, by the circulation of inflamatory handbills and some other circumstances, it is to be apprehended that more violence may yet be intended." There are some persons who, I believe, are real friends to Government, who are "desirous that some concessions should be made on the present occasion, but their advice arises either from a

temporising principle or from an inclination to run a race of popularity; but my opinion is, that while the city is under the influence of tumult and faction, it would be complete folly to temporise and adopt any other line than that of firmness and decision. For my part, I am determined" to make no concession on the part of the Government. It is rather fortunate for me "that this commenced before Parliament adjourned, as my conduct in the business has throughout had the sanction of the House of Commons. I have no apprehension about events, being persuaded it will tend to strengthen my government in the conclusion. An account was this day received of the insurrection of the Whiteboys—who have been long dormant—in the county of Kilkenny. I have therefore issued out a proclamation for the apprehension of the insurgents, and, if necessary, I propose to send a detachment of troops into that country." Lord Annaly is dead. I must take the liberty of repeating my recommendation of Prime Sergeant Scott to be his successor. *Draft.*

SIR GEORGE YONGE to the DUKE OF RUTLAND.

1784, April 10. War Office.—I am glad to hear you are likely to have a quiet government, and to be able to confirm the pleasing hope of things being as well with the Government here. The new Parliament promises to be a good one. The elections are in general very favourable, and the decision in Yorkshire in our favour is a great event, with which, as with others, you must be well satisfied.

[THOMAS ORDE] to the DUKE [OF RUTLAND].

[1784,] April 10, Tuesday. Phœnix Park.—Lord Hillsborough has informed you of the Dean of Down and his very old pretensions to recommend a successor. Under all the circumstances, I conclude you will comply with his recommendation.

[The SAME to the SAME.]

[1784,] April 11, Wednesday evening.—On business.

NUGENT, EARL TEMPLE to the DUKE OF RUTLAND.

1784, April 12. Pall Mall.—I have introduced Mr. Martin to Mr. Pitt, but have taken care to prepare him for disappointment in his object of an English seat. He asked me for a letter to Orde on the subject of Scott's seat, but I only gave him a letter of a very general kind. I am delighted at hearing from so many quarters the success of your government: you know the warm and eager part I always take in it. "Flood is—as you well know—in England. He told Martin that he was to be in the English House of Commons, brought in upon the same independent line as before. That *cannot* now be, all the boroughs being returned; it, however, confirms an opinion which I long since entertained, that he will play with the Duke of Chandos the same game which succeeded so well with him when tried upon the late Lord Wandesford. Any Irishman will tell the story to you. Fox is now clearly defeated. He will not, however, decline, and, what is singular, he is not returned elsewhere, and declares that he is *not* to be in the House of Commons till after the meeting. Almost all other elections have gone equally triumphantly, nor do I see how they can return more than 160 doubtful

and enemies. Bedfordshire is indeed very hard run. Lord Ossory is safe, but St. John only five above Lord Ongley, and the poll is to last this day and to-morrow. My brother is safe in Bucks, but I do not guess who will be his colleague. Westminster is indeed a cruel blow upon the party. Their exertions have been incredible, particularly upon the part of her Grace of Devon, who in the course of her canvass had heard more plain English of the grossest sort than ever fell to the share of any lady of her rank. Since I wrote to you that learned dissertation upon the rank of his Grace of Dublin, in which I was sincerely grieved to find him right, I have received a letter from the Revd. Mr. Butler, whom you was so good as to name your chaplain, to inform me that he was afraid of being turned out of a garrett which I gave him. Let me entreat you—as that event would expose him to arrests—to suffer him to remain till you can kindly provide for him, which Lord Northington solemnly promised, and performed in the same way as he performed most other engagements. Let me likewise recommend—not to your patronage, for he wants nothing—but simply to your notice at levees or elsewhere, the Deputy Adjutant-General Captain Fremantle; he is a worthy, modest young man, and I am sure will not disgrace any attentions which you may be so good as to shew him. To the same notice let me beg to recommend Mr. Talbot, late Colonel of the Leinster Provincials; his family, his property, and character will speak loudly for him, and I interest myself much for him from these circumstances, from my intimate acquaintance with him, and from my near relationship to his wife. I have now, my dear Duke, exhausted your patience. In all this I trust that I have not pressed upon your indulgence to me, in allowing me to name to your notice those for whom I felt interested in Ireland; but I mean invariably to adhere to the rule which I laid down, of never recommending the numerous applications which I receive to your special situation."

Lord Sydney to the Duke [of Rutland].

1784, April 12. Whitehall.—I felt obliged, from the importance of its contents, to send your letter, though marked *secret and confidential*, to the King. Of this I have no reason to repent, as I have now received H.M.'s orders to express in the strongest terms his approbation of every part of your conduct in the late tumultuous insurrection at Dublin. His Majesty believes that your firmness on this occasion will be the means of strengthening your administration. I am much concerned at the appearance of an insurrection of anything like the White Boys; but hope that the steps you have taken will suppress any attempts of those people to disturb the tranquillity of the country. The loss is much to be regretted of so able a servant of the Crown as Lord Annaly. As I have before said, since I have been in the King's service I have never seen His Majesty so pleased with any despatches as with yours. Elections here go on very well, and our majority is likely to be considerably greater than what we reckoned upon. I am going to dine at the City Easter Feast. I wish the (Westminster) election could end to-day in Lord Hood's and Sir Cecil's favour; but I doubt the poll will be kept open some days longer. I trust the Duchess will have had a safe and pleasant passage. *Marked* "Secret and separate."

Henry Dundas to the Duke [of Rutland].

[1784,] April 13. Edinburgh.—There is a hard contest in Mid Lothian between Sir William Cunningham and Mr. Dundas, of Dundas, a steady

friend. Let me ask you to endeavour if possible to get Mr. Hamilton, of Riccarton, who is a clergyman in Ireland, and at Dublin, to come and vote. I have written to Mr. Pitt to take what steps he can with regard to voters who are in England, but I entreat you as a firm and efficient supporter of our common cause to get Mr. Hamilton to repair without delay to this country to vote for Mr. Dundas.

Lord Sydney to the Duke of Rutland.

1784, April 17. Whitehall.—Notifying the approval by the King in Council of seven Bills transmitted by the messenger. *Signed.*

The Same to the Same.

1784, April 17. Whitehall.—I have sent back your Bills, and will not repeat what I have said in my public letter of this date. I hope you are near the end of your Parliamentary business, and quite at the end of popular tumults. There is a disposition here to question the principles of Mr. Foster's Bill regarding the Press. Friend as I am to freedom, I think it is most effectually preserved by guards against the licentiousness now prevailing. However, the Bill did not originate with you, and you will judge of the propriety of pushing it on or modifying it according to circumstances. "Our elections go on well. Coventry is carried by Sir Sampson Gideon and Mr. Wilmot against Lord Sheffield and one of the Conways. Sir Francis Basset is beat in two thirds of the places where he pushed his friends. He has returned but three, himself inclusive, and there is a petition against two of them, himself likewise inclusive.

"Fox has been polling all the Roman Catholic hairdressers, cooks, &c. in and out of Westminster, and now, to shew his impartiality, has formed a coalition with Lord George Gordon, who for these last two days has attended him on the hustings. A scrutiny will be necessary, as he is endeavouring to gain a majority by polling hundreds of bad votes, but Wray is still about 160 ahead of him."

* William Pitt to the Duke of Rutland.

1784, April 19. Downing Street.—[*Correspondence, p.* 11.]

* The Same to the Same.

1784, April 21. Downing Street.—[*Correspondence, p.* 12.]

John Mortlock to Lord ———.

[1784,] April 22. Cambridge.—Asking for a recommendation to the Lord Lieutenant on behalf of two ladies, named Trotter, who were put on the "*concordatum* list" by Lord Townshend when he was in Ireland, but have been since struck off.

The Earl of Hardwicke to the Duke [of Rutland].

1784, April 24. London.—As to the receivership vacated by Mr. Mortlock on coming in for the town, it would not be considered proper

to continue it to his partner, and Mr. Mortlock does not press it. Our county election is over. Mr. Yorke and Sir Henry Peyton were unanimously chosen. Let me recommend my friend Mr. St. George, of the Revenue Board, generally to your notice as a worthy man of good family and standing attached to Government.

The Duke of Richmond to the Duke [of Rutland].

1784, April 25. Goodwood.—My brother-in-law, Mr. Ogilvie, has mentioned to me a claim of his to some employment in Ireland. I cannot, as I have told him, interfere in Irish patronage, nor can I take upon myself to ask any favour for him; but I have a very sincere esteem and regard for him as a private friend, and should your Grace think it proper, on account of any use he may be of in Ireland or of his connexions there, to show him any mark of favour, I shall sincerely rejoice in his success.

I have great hopes, from the temper of the people here, that our favourite object of a Parliamentary reform is gaining ground apace. The popularity of Mr. Pitt and his administration is excessive. He has the fullest support of the people from all quarters, and when they have given him real power, they will expect that he should use it in carrying those measures in their favour to which he is pledged; and I am happy to say that he is very well disposed to keep his word, and by continuing to do right, will preserve his popularity.

Lord Clermont to the Duke [of Rutland].

1784, April 26. London.—I thank you for your very kind offer of appointing me the first Postmaster-General, if I choose it. I shall, however, be ready and willing to decline the honour if your Grace thinks it more expedient for His Majesty's service. From my long experience of your Grace's friendship, I do not doubt of your inclination to grant me an equivalent to the employment I have had for twenty years; and that will doubtless be arranged when Mr. Orde is here.

Earl Cornwallis to the Duke [of Rutland].

1784, April 27. Culford.—Lieutenant Bowen, who will have the honour of delivering this letter, lost his leg under my command in the action at Camden. He has no patron but myself, and if you have any opportunity of providing for him in the line of fort major or fort adjutant, you will greatly oblige me and do an act of charity. The young man comes from Limerick.

Lord Sydney to the Duke [of Rutland].

1784, April 28. Whitehall.—I have to acknowledge your letters, and to assure you of the full confidence of His Majesty and his servants, and of their readiness to support you. We hope that the late riots in Dublin will not have the effect expected by their authors, and that the unostensible abettors of these practices will be deprived of every prospect of success in raising dangerous commotions.

Your Bills will be returned as soon as possible; every measure is taken for expediting them. You will receive with this the official intimation of the King's consent to your proposals relating to Mr. Scott. The King is well apprised of the advantages of placing him on the Bench in the room of the late Lord Annaly, and of promoting him to a

seat in the House of Peers. His Majesty is sensible of the importance of a strong support to his government in the House of Lords, and is therefore ready to adopt your suggestions for promoting the respectable persons alluded to in several of your late despatches. Lord Clermont has called upon me and stated his readiness to resign his place of Postmaster on the commencement of the new Act, but he expects an equivalent. With regard to the Duke of Leinster's application in favour of Mr. Ogilvie, and Lord Northington's testimonial as to the intentions of the late Administration in his favour, I agree with you. I do not choose to express upon paper, even to you, my sense of the whole of that proceeding; but, notwithstanding his many applications, which have all been complied with, Lord Northington stopped short of adding the name of the person whom he *would* have recommended to succeed Mr. Foster as Customer of the Port of Dublin. I do not offer an opinion as to whether this application should be admitted or not, but it should be made clear that whatever you do is not in consequence of this extraordinary proceeding of Lord Northington's. Our predecessors have left us many legacies not very convenient to us, or, in my opinion, very honourable to them.

When I mentioned the House of Lords, I think I should have said one word upon what has fallen from the King when His Majesty has been talking to me upon the affairs of Ireland, I mean the necessity there will be in future to consider well of the persons who may be recommended to the peerage. That situation, as your Grace well observes, now becomes a much more important one than formerly, and from that House a great part of the support of Government must hereafter be derived.

I need hardly mention that pains are taken here to represent in as unfavourable a light as possible everything which has lately happened in Dublin. Those Irish who are connected with the late Administration are among the foremost to spread and aggravate the accounts of the late tumults and their probable consequences. I can assure you that the resolution and firmness which has marked your administration are extremely acceptable to His Majesty.

I have received a long letter from Sir Lucius O'Brien complaining of Lord North's usage of him. I am waiting for some answer from Lord North, but I think Sir Lucius makes out a case of scandalous usage.

The Dutch ambassadors at Paris have intimated their readiness to conclude the definitive treaty—a change favourable to us. Our late advices from the East Indies promise peace with Tippoo Saib.

There has been a total and sudden change in the Danish Ministry. The King seems pleased with it, perhaps more from family than political reasons. The Prince Royal is at the head of his father's councils, and has been his instrument in this ministerial revolution. *Marked* "Secret and separate."

Philip Yorke to the Duke [of Rutland].

1784, April 29. New Cavendish Street.—I regret to be unable to comply with your request on behalf of Mr. Mortlock as to appointing his partner (Mr. Francis) to the office of Receiver-General.

Viscount Weymouth to the Duke [of Rutland].

1784, May 6. Arlington Street.—Recommending the bearer, Mr. Dawson, to promotion in some office of an humble grade.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1784,] May 6. St. James's Square.—I am ashamed to have been four or five days in England without acknowledging the favour of your Grace's recommendations at Bramber. I have, on Mr. Hill's suggestion, returned my thanks to the electors; and I am now engaged in searching for a qualification. After inquiries elsewhere, I have been obliged to ask Mr. Hill to renew the application to you. Mr. Hill says he knows how to do it if you order him in a particular way. Sutton has met Pitt in the Park, and says he both talks and looks with the greatest confidence. Lord Chatham tells me they can divide if necessary two to one, and everyone whom I have talked with on politics seem quite at ease, and concur in supposing Mr. Pitt will be a fixed Minister for as long a period and with as decisive a majority as Lord North. I am confident there is nothing to disturb him from abroad. When I was at Rouen during the drawing of the militia, they were taking children and all sorts of substitutes, a practice which is particularly guarded against when there is a prospect of war. The sensible, thinking people there all concur in wishing this Mr. Fox at the devil, as he seems to them always embroiling matters, without advantage to the kingdom or to himself. As they dare not talk of their own ministers, the characters and names of our ministers are perfectly known through France. Your answer to the Catholic address was printed in capital letters in every foreign gazette, and generally attended with some comment of approbation. I know no other news from abroad that can be interesting, except, as conversation to any Catholics at your Court, that the Pope is expected at Paris in June. I was told that the supposed motive of his visit was to settle three or four objects proposed by the Court—one to allow the marriage of priests; another to procure a grant from the Benedictines sufficient to establish a number of commanderies for superannuated officers; another to obtain, with the Pope's consent, a third of the *benefices simples* (sinecures) for the same purpose. As to home news, the Coalition are so generally routed that I hardly know how to send a list. Among their beaten candidates are Sturt—Dorsetshire; Bunbury—Suffolk; T. Grenville—Bucks; Byng—Middlesex, who has demanded a scrutiny; Foljambe—Yorkshire; Halsey—Herts; Sir R. Clayton—Surrey; Lord Verney—Bucks, probably; Elwes and Hartley—Berks. The above list you have probably seen long ago. I shall only add that in the elections still depending Cruger will probably beat Danbury at Bristol, Aubrey beat Lord Verney for Bucks, and Fox beat Sir C. Wray for Westminster. Atkinson has waived the scrutiny for the City, so that Sawbridge is at present returned. Fox at the opening of the poll to-day is 160 odd ahead, but as there will probably be a scrutiny and there are probably many hundred bad votes, the event may yet be doubtful. I only go into particulars because, Mr. Hill says, the Duchess has a bet with the Prince of Wales on it, for I don't think it matters sixpence whether Fox is member for Westminster or not. "There never was a House of Commons where he could do so little harm, and if there was no such man in opposition half Mr. Pitt's abilities as minister, and of course half his consequence, would be lost."

"I hear at Betty's, where all parties seem to talk without any sort of heat at present, that Fox can't bear to think of politicks, and is only forming a scheme to Italy next summer, so that probably no opposition is intended this year." I am sure it is not their interest to begin now, but this is "no argument with Fox, whose temper I have seen so much of as a jockey, and whose extreme activity and eagerness to be doing will lead him into any sort of contradiction or absurdity." You have seen by

the English papers about the Duchess of Devonshire's canvass. Some say she has pushed matters too far, and may be brought before a committee for bribery. I hear of instances in the Cambridge election where the Duchess of Rutland's orders had a very good effect—though without a bribe.

LORD SYDNEY to the DUKE [OF RUTLAND].

1784, May 6. Whitehall.—I send by this messenger all the Bills except that for continuing the expiring laws. An accident has happened to that, and although I wished to detain it as you desired, it has got sealed through an official mistake. I will see what can be done about it to-morrow. Let me impress upon you to advise your friends to be attentive to the contents of the bills now they do not admit of alterations, for the inaccuracies in them are very numerous. *Marked* "Secret and separate."

The SAME to the SAME.

1784, May 7.—I find it is impossible to rectify the mistake; but hope that it will be attended by no serious inconveniences. Let me repeat the necessity of attention to accuracy in the formation of Bills in Ireland. Charles Fox is chosen for Kirkwall, &c., in the Orkneys.

The DUKE OF RUTLAND to LORD [SYDNEY].

1784, May 8. Dublin Castle.—I thank you for two satisfactory dispatches in your own hand answering my questions. I am much impressed by your mention of the King's approbation of my conduct. You may depend on my unremitting attention to promote the general advantage of both countries.

I am glad to report perfect quiet established in this metropolis. There have been attempts to revive the spirit of arms, and some two or three hundred of the lowest class of the people have been paraded through the streets in conjunction with some of the volunteer corps for the purpose of military exercise, but they bear nothing in their appearance to be apprehended; and the most respectable of the volunteers are not ambitious of associating with such recruits, so that I am persuaded this effort at mischief will fail of its effect without any direct interposition of Government, which it is of great consequence to avoid.

The reports of the judges from their circuits are highly satisfactory. The different counties are described to be tranquil; and the factious spirit shown in this city has extended no further.

I thank you for your dispatch in returning the Bills. It is important to put an early period to this session, which your exertions will have enabled me to do by Thursday the 13th instant.

It would have caused great embarrassment to this Government if the Bill to secure the liberty of the press had been intercepted in England. It would have revived discontent, which it might have been impossible to have again suppressed. It would have given so decided a victory to the factious and disorderly that no government could have maintained the obedience which is necessary to all societies, and of which this country stands more in need than any other. Little more would have been requisite to have convinced you of the urgent policy of this measure than to have transmitted to you a few of the inflamatory newspapers, in which you would have found that my administration was not the cause; that the Government at large was not the cause, but that

the station of the King in this country and the connexion between Great Britain and Ireland were the peculiar objects at which all these malicious shafts of sedition and mischief were pointed; that to promote these views the aid of France was in direct terms recommended to be solicited, and that the assassination of the principal leaders in the country was stated as the most efficacious means to establish these dangerous doctrines. "The unanimous assent of both Houses of Parliament was not coldly given to this measure. Every advocate for decency and order is anxious for its fate. The greater number of printers are themselves desirous of this protecting duty on profligate and licentious publications, that some equal chance may be acquired for such as confine themselves within the limits of moderation and temper. And even Lord Charlemount—with an honor which distinguishes his character in spite of his political tenets—refused to present a petition against the bill from the city of Belfast, and has convinced the inhabitants of the reasonableness and propriety of the measure." Milton, who was "no enemy to the liberty of the Press, in his address to the Parliament for the liberty of unlicensed printing, points out the grounds exactly on which this Act is framed. He says, 'And as for regulating the Press, let no man think to have the honor of advising you better than yourselves have done in that order published next before this, that no book be printed unless the printer and the author's name, or at least the printer's, be registered.' Thus far this great advocate for liberty" gives his sanction to the principle of this bill.

"I have myself little doubt but that French influence and French money have been the foundation on which these disorders and tumults have been raised, but a circumstance has been related to me which" may not be unworthy the attention of His Majesty's ministers. I have been informed that one O'Leary, a priest, who is well acquainted with the strength of this country and with the connexions and views of all its individuals, has been received as domestic chaplain in the house of the Spanish Minister in England. I think this fact worthy of enquiry.

You may depend on my strict attention to all those whom I may judge fit to recommend for advancement to the peerage, and I cannot but express my acknowledgement that His Majesty approves of my proposition for the creation of offices for peers. The Duke of Leinster, who was one of those for whom I intended one of the principal of those new arrangements, is so "fickle and unsteady in his opinions, and so weak in all his publick conduct, that I hardly know how I shall be able to dispose of him. There seems to be a perpetual conflict and struggle in his mind between avarice, pride, and ambition. His consequence is solely confined to his name and situation in this country; and if disappointment should drive him to great hostility, with the rabble of Dublin at his heels, he might be able to create some confusion. He is at present in opposition, though the prospect of such an office as President of the Council would secure his support and make him truckle to Government." *Draft.*

LORD SYDNEY to the DUKE OF RUTLAND.

1784, May 11. Whitehall.—Leave of absence for Lieut.-Colonel Irving. *Signed.*

The SAME to the SAME.

1784, May 12. Whitehall.—Reporting the reception by His Majesty of the address of Protestant Seceders transmitted by the Duke's letter of 30th April. *Signed.*

[Daniel Pulteney] to the Duke [of Rutland].

[1784, May 14?]—I have received your letter, and after the numerous favours received would not wish to renew an application which you had disapproved. I am trying applications to others for a qualification. If they all fail, you will pardon me if I renew my application to your Grace. "In point of law Mr. Hill will see how absurd any scruple can be on the subject, but what is a sufficient answer as to creditors is this. If I had a known grant of 300*l.* a year in any *register county* known precisely to a creditor, and he had sufficient time to sue out a proper process against it, it would be certainly subject to an execution, but for this purpose it is requisite the creditor should know the terms of the grant, the situation of the land it issues from, and have time to form his process, &c., whereas all that would pass in this case would be to receive the grant from your Grace in the morning, the contents of which nobody could know but Mr. Hill, deliver it in and swear to it, before George Sutton perhaps, and sign a reconveyance to your Grace at night. But the fact in reality is that I have no creditor of that sort, even if they had the power, as none of them had ever an idea of getting money from me, but of persecuting me till I bring Fox over, which they imagine that would effect. In one word, I have seen half-a-dozen executions against Fitzpatrick's and Fox's horses; the latter's books have been sold in the streets; Lord E. Bentinck's horses have been sold by advertisement; Will Hanger, Stanhope, and 50 others have at this time all sorts of demands upon them and judgements against them, but nobody ever thought or heard of any claim on a qualification, which with one third at least of the House is known to be fictitious. If your Grace would sign a grant from the estate which O'Byrne receives his annuity from, I should make no more scruple, if it is necessary to get his consent, than to ask him for a thing of the most perfect indifference. But I hope any renewal of this subject will be perfectly needless, and that Panton, by some means or other, will be able to get the grant. Stanley would be a very proper person for me to apply to, but that he would be a month before he understood what I meant, and I have, besides, an idea that he has so fettered himself with Mrs. Stanley's jointure, and has left his writings, &c. so much in the hands of her father, who is an attorney, that he really has not a qualification to grant; but your Grace's name would be so fully sufficient that nobody could think for a moment of examining a title that was signed by your Grace. I could get Lord Egremont or Lord Derby, I should suppose, to do such a thing with a single line, but your Grace will easily see the impropriety of such an application to people so closely connected with Fox."

The Marquess of Carmarthen to the Duke of Rutland.

1784, May 14. Grosvenor Square.—Recommending Mr. Barthelemon, a violin player.

Lord Sydney to the Duke of Rutland.

1784, May 14.—I return the amended copy of your intended speech. "I am sorry to find that your Grace seems to be anxious that the Bill for reviving temporary laws should have been kept back; but upon full consideration with the law officers of the Crown, it was judged to be

much the most adviseable measure to return it, especially as the keeping it back could not prevent the clashing of the jurisdiction for the first year at least." I have written to you fully upon this subject by the messenger who carried the Bill. I wish you a speedy and happy close to your fatigues. Ours are going to begin. *Signed.*

[The Duke of Rutland.]

[1784, May 14.]—Draft of his speech on the prorogation of Parliament. *Differing from the speech as reported in the Journals of the Irish House of Commons.*

Lord Howe to the Duke of Rutland.

1784, May 18. Admiralty.—It is impossible for me not to view the conduct of Admiral Gambier in the appointment of Mr. Browne with peculiar discontent. In disregard of express instructions respecting the purchase of vessels abroad, and without waiting for the authority *he solicited,* he has purchased two vessels into the king's service. He has put one of them on the establishment of a sloop of war in order to create his son, a youth not 18 years of age, a captain in the navy, and to the second Mr. Browne is nominated, with the rank of a lieutenant. Orders have been issued by the Board to recall the commissions and to sell the vessels, so that nothing will remain of this injudicious measure beside the inconvenience he will suffer in replacing things as they were before, and making satisfaction for the unnecessary expense to Government out of his appointments. I congratulate you upon the favourable turn which appears to promise in Irish affairs, as well as in this country.

* William Pitt to the Duke of Rutland.

1784, May 24. Downing Street.—[*Correspondence, p.* 14.]

Lord Sydney to the Duke of Rutland.

1784, May 25. Whitehall.—The Definitive Treaty of Peace between Great Britain and the States General of the United Provinces was signed at Paris on the 20th inst. *Signed.*

The Same to the Same.

1784, May 25. Whitehall.—The first opening of the House of Commons has been very favourable. Jack Lee having moved a censure upon the High Bailiff, the previous question was carried against that motion by 283 to 136. The amendment to the address rejected, 282 to 124. Mr. Pitt, I find, acquitted himself admirably. The High Bailiff is to attend to-day. The guns are now firing for the Dutch Peace. The Duchess will be pleased to hear poor Lady Chatham is in a mending way. I hope your new additional volunteers are returned to their quiet employments. *Marked* "Secret and separate."

Daniel Pulteney to the Duke [of Rutland].

[1784, May 25,] Tuesday night, 10 o'clock.—"The address is voted without a division, our numbers being too formidable for any such desperate attempt as an amendment. I think I can collect, from a sort of buzzing in the House when the affair of the Westminster election was introduced, that some step must be taken to stop it in the ridiculous way it is now going on. Pitt spoke warmly for his Reform, but there is no sort of chance that it can be carried, let him exert, even in earnest, every power of Government. Your Grace's name and the attachments in Ireland were very injudiciously introduced by Fox and Burke, but the idea was reprobated immediately of discussing any Irish affairs here except such as were to be settled for the mutual conveniency of trade; and Pitt laughed at Burke very successfully for the awkward, irregular manner of introducing Irish attachments.

Postscript.—"Sutton says he hears your Grace is pledged to support the Reform here. It is therefore necessary for us to know how to vote, for God knows we are not pledged, and should hardly think of dividing in any manner opposite to the views of your Grace, who must, in the strictest sense, know so much more of this affair as a matter of Government, or as a measure which may respect your Grace as Lord Lieutenant of Ireland."

The Same to the Same.

[1784, May 26,] Wednesday night. House of Commons Coffee House.—"I have only a few minutes between 10 and 11 at night to acquaint your Grace that we are now for the second night on a most tedious debate respecting the Westminster scrutiny. The motion, which will be carried to-morrow morning, will be a direction to the High Bailiff to hasten his proceedings; but, upon the whole, I see a Bill must be brought in as a salvo to prevent such proceedings in future, and to save our credit. Many of our people will vote against us to-night, but though we shall lose no one except on this occasion, I very much wish it over for many reasons too long to trouble your Grace with. Nothing has passed respecting Ireland worth repeating to your Grace, your administration of that country and its present state being matter of great astonishment to all here, and of the greatest credit to your Grace."

The Same to the Same.

[1784, May] 27, Thursday.—"Though I had the honor to receive your Grace's letter three days ago, I have deferred answering it till I could not only send the numbers—which your Grace has seen in the papers or heard from others—but likewise what I could, on very sure grounds, report to your Grace as the fixed opinion of the House. The numbers against Jack Lee's motion for interfering with the election scrutiny at Westminster, and ordering the bailiff to make a return, were 283 to 136. A strong address was then moved by Mr. Hamilton, who spoke long and very well, though rather too pompous for the House of Commons. The address went in spirit to a full indemnification of the Ministry for the dissolution, &c., and it was debated by Lord North, Fox, Lord Surrey, and Adam, against Kenyon, Macdonald, P. Arden, Rolle, Milnes—for York—Sir S. Gideon, and Lord Delaval, the last of whom astonished a great many by a very warm, explicit declaration that he had, in the last Parliament, opposed

Mr. Pitt as a supposed Minister of secret influence, but hearing now so unequivocally from the people themselves that he was *their* Minister, he should most heartily obey their voice, and give him all the support that he deserved. I can only add that Pitt closed the debate with by far the best speech I have heard him speak, as, in addition to his usual stlye, he kept the House in a continued laughter at Fox's inconsistencies, Kirkwall, Duchess of Devonshire, &c. On this division we had 282 to 114, so soon did the poor forlorn minority begin to desert each other. I have of course found a renewal of many old acquaintances in the House, such as Osbaldiston, Cecil, Thomas, &c., and the declarations, in private conversation, of every one I know, have been both warm and unanimous in Mr. Pitt's support. I hear Fox's friends are quite disgusted with him for having tried a division, and except Mr. Burke and Mr. Sheridan, and one or two more who were very grave, the rest seemed at last to join in the laugh at their ridiculous situation. A division being called for Tuesday by Fox on an election question, in which, from what I heard afterwards, the merits were rather equivocal, he could only muster 60 against 210, though so little pains had Steel taken about members that I suppose 100 of his friends were absent and did not know of any debate. Sutton and I were just in time to be locked out, as nobody had an idea there was any business so soon, and Pitt did not think it worth while to prolong the debate in order to encrease his numbers. I believe they will give us no more trouble this session, as in the next question on an election that came on, Lord Mulgrave made a motion against Fox's being allowed to petition, which, though Fox spoke very violently against, he thought fit to let pass, without venturing any more divisions. After having mentioned to your Grace the above state of facts, it would be needless to repeat to your Grace the opinion of all sorts of people, of all descriptions, that Mr. Pitt's Ministry is fixed beyond any possibility of danger from without, with a greater strength at the opening of the session than ever was before possessed by Lord North or any other modern Minister. Osbaldiston, who *seems* very zealous with us, asked me if I thought your Grace would take it ill if he wrote to you to thank you *for not having thrown him out at Scarborough*, which, as it was a subject I could not pretend to answer him upon, I don't know whether he means to do or not. He says he never was against Mr. Pitt, nor means to be, but that he could not sign the test they proposed to him, which gave rise to the idea of his being a Foxite, and that the blind old gentleman—Chamberlayne—was too violent and too warm against him without any reason. I cannot pretend to guess how sincere he is in all this, but he talked very openly against Fox before a dozen people in the coffee-room, and was in every division against him, which is the most unequivocal proof I think a man can well give. I have likewise been employed by Mortlocke to represent his case, which I have done, to Pitt, and to Lord Chatham more fully, and he acquaints me Pitt has granted his application. The argument I used to Lord Chatham was that he promised to be very attentive in the House, and that he had done your Grace great service at the Cambridgeshire election. I hope this has saved your Grace the trouble of applications from him, which was my inducement to put it to Lord Chatham in as favorable a way as I could, having litterally no sort of obligation to him myself of any kind, which I fully explained to Lord Chatham. I am much obliged to your Grace for the orders to Mr. Hill, but as it could not have been done in time for the first division, when a vote is of most consequence, I got a qualification from Standly. I saw Sir Joshua Reynolds a week ago, and he says he never was in so much suspense in his life, as whether he shall wait on your Grace this summer. I endeavored

to assure him how quiet he would find Ireland, in spite of any accounts in the papers, and he said at last he thought he should venture over."

The Duke of Rutland to [Lord Sydney].

1784, May 29. Dublin Castle. — I take the opportunity of Mr. Orde's departure for England to thank you for the great attention you have given to my wishes, and to ask you to present to His Majesty my acknowledgment of the marks of his confidence and approbation.

The spirit of volunteering is much on its wane, in spite of the seditious attempts to inflame which have been practised by secret instruments in this metropolis and by the public prints. The reality of this information will soon be discovered by the volunteer reviews, which are now near at hand. "Of this truth, however, I am sure, that the circumstances of this country, its connexion with England, and the existence of any order and good government in it, will not admit of a body of troops independent of and unconnected with the State to be any longer tollerated." It will then be for your Government to decide, should the appearance and numbers of the volunteers prove formidable, whether some decisive step ought not to be taken with them. I am convinced no palliative or temporizing measure will ever be effectual. It is reported, though I do not credit it, that the Marquis de La Fayette is to visit Ireland during this summer and to be present at the volunteer reviews. Indeed, we have had strong suspicion that the late disturbances have been fomented by French influence, and that French money has been distributed; but we can come at no proofs.

Mr. Orde has acted during this session with the greatest diligence, and to my highest satisfaction, in moments very critical and when the greatest dexterity was requisite. I desire you will convey to the King the most favourable impression of him. *Press copy; also draft of same letter bearing date May 28th.*

The Earl of Mansfield to the Duke [of Rutland].

1784, May 29. Kenwood.—"I am much obliged to your Grace for your kind and affectionate letter. I cannot speak upon the subject. The shock has overset me, and though I hope I am able to bear up my mind, with God's assistance, to any calamity, a nervous disorder has seized my whole body and every part. I get no sleep. All our best wishes for the ease and happiness of the Duchess and your Grace."

The Earl of Mornington to the Duke [of Rutland].

1784, May 31. New Bond Street.—"I took the liberty to trouble your Grace with an account of our first divisions, which I hoped might reach you very early, as it was put into the post office on the very night in which they took place. Not one word has passed in the House of Commons upon the subject of Ireland, though I am informed, from very good authority, that Fox has said that he expects *his harvest from Ireland.* This is a most diabolical expression; and I trust that the efforts of Government will defeat his expectations from that quarter. I have seen Mr. Pitt upon Irish affairs, and have found in him every disposition to give his attention to such points as remain unadjusted between the two countries, and may afford grounds of discontent to Ireland. I stated our situation to him as I have always done to your Grace, rather as a subject which called for attention than which could afford any just reason for

alarm, and I have no doubt that he will turn his mind seriously to a solid and final settlement of our difficulties. I need not trouble your Grace with any particular details of that which you must hear from all quarters—the complete victory of the administration. Fox is out of spirits to a degree scarcely credible, and Pitt's eloquence rises in proportion to his power; he has exerted himself most surprisingly since the meeting. Our whole time has been hitherto engrossed by the Westminster election. We had heard Fox's complaint against the High Bailiff, and to-day were proceeding to hear the High Bailiff's defence, when a fresh petition was presented from the electors of Westminster precisely upon the same ground as Fox's; this we mean to hear on Wednesday, and then to proceed to hear the High Bailiff. It is the general opinion that either the scrutiny will be approved, and ordered to be proceeded on, or the election declared void and a new writ issued. I understand that Flood cannot get into Parliament, though he has offered 5000*l.* for a seat, and that Mr. Morris is to come in for Seaford. If anything worthy of your Grace's notice should occur, I will not fail to give you the earliest accounts."

Daniel Pulteney to the Duke [of Rutland].

[1784, June 3,] Thursday morning.—You must excuse the manner in which I write this, at six in the morning, and under the probability of sitting again till midnight on the dullest business that ever came before the House, I mean the Westminster election. They called for a division in the beginning of the day to try their strength, and could only muster 77 to 212. I saw all your friends very stout to a man, and in the field at six this morning, when we adjourned. Fox had plagued the House so much by cavilling on every point, that several members near me would have been ready to vote any censure or even expulsion against him. "Lord North was treated with more contempt even than Fox." It is a tedious business. "There never was a case of so much insignificant, low bustle and absurdities, that has given and will continue to give such general plague and disgust, to the infinite regret here of everyone except Lord Mahon. With troops less numerous and determined, it might even have been very disagreeable to a Minister; but at present no sort of ill-consequence can be apprehended."

Lord Sydney to the Duke [of Rutland].

1784, June 3. Whitehall.—Introducing Colonel Vallancey, and recommending a request of the colonel in favour of his son-in-law, Mr. Drury, for promotion in the Revenue in Ireland.

Thomas Orde to the Duke [of Rutland].

1784, June 3. London.—I saw Lord Sydney yesterday, and delivered your letter, and stated shortly the situation of affairs under your government. I found the strongest marks of the satisfaction with which His Majesty and the Ministers regard your conduct and system. I went to the Levee, and have the fullest ground for reporting to you the most ample confirmation of everything which Lord Sydney had announced. I am therefore forward to convey this consolation and encouragement for the plagues and difficulties you have had, and have still to encounter.

I have not had much time to enter upon a discussion of the points which are to engage the attention of the Ministers. I have only sought

to impress very strongly upon their minds the absolute necessity of deciding upon the several subjects. I would not seek to represent matters as in a more alarming state than they really are, but we must not run the risk of inattention to them, as if they were merely temporary and of no consequence.

"Your Grace, I know, is fully sensible of the effect which the single circumstances of apparent stability in the Administration here will always have upon the turn of Irish politics. I am therefore, at present, anxious in my enquiries upon that head, and have really, not only from Mr. Pitt himself, but from every other quarter, the clearest assurance of secure victory and establishment. The House of Commons having sat till six this morning, and having met again this day at twelve, I have consequently had no opportunities of conversing upon particular points or arrangements. The decision of the question respecting the scrutiny for Westminster precludes every other consideration for the present, and Mr. Pitt very rightly presses that forward to a conclusion, being well aware of the endeavours of motives of his opponents for delay, as well as the good effects of defeating them upon that ground. I have avoided taking my seat to-day as Sawbridge threatened a question upon Reform of Parliament, and I was afraid of misconstruction upon my conduct, in whatever way I might direct it, if it found its way into a Dublin newspaper. I take for granted, however, that some of Pitt's friends will move the previous question, in order to reserve the subject for his own introduction in the mode and extent he may himself judge to be most proper and expedient. I heartily wish that it was finally settled, for if it be true that the favorable turn of Irish politics depends upon the steadiness and decision of those in England, I am sure that no one point can have so general and effectual an influence by a determination as this of a Reform of Parliament. I will not mention any uncertain reports about Ministerial arrangements, or the nature and order of the intended business. As soon as I can collect anything from authority, I will not fail to communicate it to your Grace.

"The conduct of the Prince of W—— is such as not only distresses the King, but also very much moves the discontent of the people, who do not suffer excesses of a certain magnitude to be acted even by the highest characters without some marks of indignation. The present complaint against H.R.H. is, that in the quadrille which he danced in honor of Mr. Fox's pretended victory, he was so far overcome by the wine he had drank as to fall flat upon his face in the middle of the figure, and upon being raised from the floor to throw the load from his stomach into the midst of the circle. Upon the whole, it is certain that the cause will not be greatly honored or benefited by this royal countenance. Every exertion, however, of every sort is put in practise to delude or disturb the minds of the people, and it is seriously to be apprehended that the true junto, C. Fox, Fitz P——, Sheridan, &c., will be restrained by no consideration of the public safety in order to advance the mere possibility of their private and general success.

"The state of the Continent is very uncertain. The promise of the Stadholder to follow implicitly the directions of P[rince] Louis may have strange effects. In the meantime the Emperor proceeds calmly to his object, and the intrigues and cabals of the French Court do not decrease thereupon. The doubt is now, I understand, whether it shall be war and Monsieur de Vergennes, or peace and Monsieur de Breteuil."

Postscript.—June 4, Friday night.—"I can at present catch no moment of leisure for conversation with Mr. Pitt or Lord Sydney. I will in a few days send fresh letters of intelligence by express. The Court was this day uncommonly full and brilliant, and evident marks of contentment

and satisfaction appeared in certain countenances. The Queen asked most graciously and earnestly after your Grace and the Duchess, and expressed great satisfaction in hearing good accounts. The Prince of Wales was there, of course, but none of the Opposition shewed their faces. Lord Lonsdale seemed in high spirits." He is now more warm than ever with Pitt. I am sorry to hear very unpleasant accounts of Lord Shelburne's health, though he is now said to be better than he was. Lord Carmarthen, it seems, is to go to Paris. I cannot learn who are to be his successor or Privy Seal. Lord Shelburne is out of the question, but I wish that the remembrance of his merit and of his particular introduction to the present happy establishment of administration was marked by some distinguished proof of kindness and attention. Monsieur Simolin is recalled; I cannot learn why. I am informed that Sir James Harris is nominated to the Hague. In that case he must have made his peace with the present administration. They will not, I hope, place an enemy there.

The question of the Westminster scrutiny becomes rather delicate and distressing, and I wish it well over. It cannot be left in suspense; and yet there is danger either in concluding it by a strong resolution, or by giving the matter up for a committee of the House of Commons. There seems, however, to be no doubt of easy proof of all the tricks and manœuvres which were reported to have been practised, and a very great number of dead men, double men, non-existents, &c. will be made out.

Daniel Pulteney to the Duke [of Rutland].

[1784,] June 4. St. James's Square.—"Though I cannot think it will give your Grace much entertainment, and hope you are much better amused in Ireland than in reading an account of such sorry debates, I have, however, sent the result of the last day's, when we were again kept till three in the morning by the Westminster election, and which will probably employ two days more, from the shamefull tricks practised by Lord North and Fox to try to make it a popular subject and to tire out the independent members, who were litterally sleeping at full length by dozens this morning under the galleries, though I was told by Neville, who had dined with some of the Coalition, they were never so surprised and mortified as to hear so loud a cry from so many enemies at such hours in the morning, as they thought none but interested members would have attended. Our party was certainly a little tired yesterday, for on some division at a late hour we only divided 180 to 81, but we shall probably divide three to one again Monday. I do not think, from what I at present have heard, that the Duchess of Rutland is in any danger of losing her bet on the Westminster election. One witness informed the House yesterday that he had employed twenty days in trying to discover all the inhabitants of one parish only, and he was convinced that he had found them all, and that in this parish alone Fox had polled a hundred and forty-three who had no existence. I suppose the turn this business will take must be to direct the High Bailiff to proceed in the scrutiny, which he will probably finish by the meeting of next Parliament; and if Fox does not take any part in the scrutiny, as he once declared he would not, Wray must be returned by several hundreds, and Fox will be left to petition, which petition can hardly be heard next year. There are already so many bad votes on the poll that two or three hundred, they say, on one side or the other signifies but little, and Fox will probably disqualify several hundred of his adversaries' list at the time they are reducing his. But their sole object, as they have nothing else to cavil at this session, is to make this an important and popular topic,

which, however, they have no chance of succeeding in, for except the poor members, who are half killed by such dull stuff and such late hours, people don't seem to interest themselves at all on the subject."

THOMAS ORDE to the DUKE OF RUTLAND.

1784, June 5. London.—I hope Lord Sydney will write on the subject of Mr. Ogle. It appears clear to me that his appointment must be completed. The engagement to him in the correspondence between Lord Sydney and Lord Northington is very strong. Sir Lucius O'Brien has certainly received acknowledgments of his claim upon different Governments, but I do not see what can be now done for him. He must see that his complaint should be directed against the late Government, and not against your Grace. I will let you know when I have settled matters with Lord Clermont.

The EARL OF CHATHAM to the DUKE [OF RUTLAND].

1784, June 6. Berkeley Square.—I was glad to see it confirmed under your own hand that all was in a state of tranquillity in Ireland. I am not surprised that you feel the burdens of the troublesome and ungrateful task in which you are engaged. Most cordially do I wish for the prosperity of your administration, and that it may answer all the essential objects, both public and private, that led you to undertake it; but that done I am selfish enough to wish you back. I feel quite a blank in my life since your absence.

I think Lady Chatham is recovering, though slowly. I am afraid she will not be able to visit Ireland this year.

I cannot close this without congratulating you on all the events that have happened since you left us. We have got, fortunately, as decisive a majority in Parliament here as you have, and I trust the happiest consequences will result from both.

LORD SYDNEY to the DUKE [OF RUTLAND].

1784, June 6. Albemarle Street.—I have no doubt of Mr. Ogle's succeeding to Mr. Burton's place, but cannot send you the King's determination without at the same time writing to Sir Lucius O'Brien, and I must take time to *arrange* my answer to him. The action of your predecessor is embarrassing in this, as in many other matters.

THOMAS ORDE to the DUKE OF RUTLAND.

1784, June 9. London.—You will have been informed by Lord Sydney that the question between Mr. Ogle and Sir Lucius O'Brien must be decided in favour of the former. This relieves you from any difficulty. "The constant succession of busy nights in the House has still prevented me from having any particular conversation with Mr. Pitt; and he is now after the decision of that point most unaccountably entrapped by a ballot for an election committee, which confines all the morning to try the merits of the Pontefract election. People of *almost* all descriptions are glad that the question respecting the conduct of the High Bailiff of Westminster is at last *decided*. It is, however, true that many good friends have doubts about the strict point of law, and feel uneasy about the consequences. The liberality or looseness of Parliamentary law affords, however, some mitigation, and the necessity of a strong resolution, as the matter has been brought in such

a shape before the House, must be acknowledged. Nothing could be more respectable than the support given to Mr. Pitt upon this occasion, and nothing could exhibit a stronger picture of confusion and rage than the words and gestures of the Opposition. Sheridan very plainly declared in the House that Mr. Fox would not submit to the tribunal before which the House had directed the cause to be tried. I cannot readily believe this to be put in practice, because it would militate too strongly against Mr. Fox's principles of obedience. But I am in entire expectation of hearing some new proposition brought before the House, which may be a further attempt to entangle it with this question.

"Your Grace remembers the different insinuations about the Duke of Richmond's defection, which were then entirely groundless. Very confident reports of that sort now again prevail. I should suppose that the ground is not much surer than before, but yet I have reason to apprehend that his Grace has not been very quiet under Mr. Pitt's idea and wish of postponing the question of Reform to the next sessions, and I believe that he, with other eager friends, have been the means of effecting a change in Mr. Pitt's design. If the House shall sit to-day, Mr. Sawbridge will bring on his motion, and I understand that Mr. Pitt will either give way to Sawbridge's proposition or move something by way of amendment to introduce a scheme of his own. The probable event is the appointment of a committee to prepare a plan. I will not attempt to plague your Grace with my notions upon this subject, but I must express a serious alarm about the consequences which may even immediately ensue from it in Ireland, where your Grace's government may feel the effects.

"I must also very cordially lament another step, which is in a manner forced upon the King's Ministers by the fear of affording a subject of complaint to Opposition. I mean the reduction of three more regiments forthwith, and of two more in six months. It is a severe blow upon the administration in Ireland, and, indeed, thereby upon the whole strength of the King's Government. I never heard of the intention of putting in practise this arrangement, which, however, had certainly been in the contemplation of the preceding Administration, and upon that idea their estimates were proposed. It is the fear of exceeding those estimates which I suppose influences the minds of the present Ministers. The 65th, 66th, and 67th regiments are in Ireland, and I believe among the most complete corps in the kingdom. They are to be reduced, the first of them immediately, and although nothing affecting Great Britain only on the point of military establishment need reach in consequence to the reduction of the Irish force, yet the situation of the country is such that it cannot be avoided. Great Britain cannot spare any of the old regiments to supply the place of those which are to be reduced. I am afraid that it is now too late to hope for any respite to this sentence, and we must only seek comfort in the low state of volunteering, and the expectation—if we may encourage it—of a stop to the proceedings or designs of the Roman Catholics.

"I have experienced a great deal of trouble and delay about the Post Office arrangement. I find that it is impossible now to make any alterations in the mode prescribed for conveyance of newspapers, but we shall be allowed to introduce some liberal improvements in regard to official privilege between the two kingdoms. The Bill will be brought in on Monday, and will quickly run through both Houses.

"Ireland presents itself in a view of difficulty for the accomplishment of the plans designed to impose a check upon smuggling. Among other expedients the extension of the Hovering Acts was proposed, and I conclude will, notwithstanding the threats of Mr. Eden, be ventured

upon. He, *in candor*, suggests an alarm upon the idea of a claim to half the seas upon the part of Ireland. The claim never, I dare say, entered into the imagination of the most sanguine Irish patriot, but it will not need half the blood or enthusiasm to adopt such a hint so favorably thrown out." I yet hope that this will be only intimated in a whisper which may not be overheard.

I am to see Lord Clermont about his arrangement on Monday. Lord Sydney seems hurt that nothing can be sooner done for Lord Courtown, and tells me that I shall receive a repetition of the royal interference, when I shall have the honour of an audience. I stated all your difficulties, and particularly insisted upon Lord Mornington's situation and claims. This argument was only disputed upon the grounds of impolicy in Lord Mornington himself to prefer the formal line, which might *possibly* be opened to him in Ireland, to the more agreeable prospect of breaking his way in this country, although the first steps might not be equally magnificent. I expect to have some conversation with Lord Mornington upon these subjects to morrow.

"Lord Mountmorres is to be the ministerial candidate for Seaford, and to be opposed by Sir Godfrey Webster, who stands upon the Pelham interest. The contest between the two will, it is supposed, be nearly equal, but a third competitor appears in the person of Mr. Flood, whose interest or expectation does not appear to be of easy explanation.

"As to official arrangements, I hear a variety of suggestions, but have no authority for any. There seems, however, to be something in agitation for *Lord Sackville*. Hints are thrown out about Lord Sydney's succession to your Grace's late office of Privy Seal. Lord Hillsborough's name is mentioned. Others, again, say that there is a doubt about an appointment to the office of Secretary of State between the Duke of Richmond and Mr. Dundas. It were, at all events, much to be wished that these great employments should be definitively fixed without delay. Lord Chesterfield, I understand, is to remain at Paris till September. Monsieur D'Almodovar comes to England from Madrid. The situation of the Dutch is critical, and the conduct of this country upon the occasion seems to be attended with some embarrassment."

I am glad to inform you that every assurance is given me of favourable attention to the support of your interest at Scarborough. Lord Mulgrave has, I find, given up all pretensions to a right of competition in any respect.

Postscript.—"I hope that some means may be taken to incorporate the men from the regiments to be reduced, into others less complete. I am this moment informed that the Prince of Wales has dismissed Lord Courtown from his service, which will of course bring an additional weight of sollicitation upon your Grace for compensation, &c.

"I anxiously hope that something may be done to prevent the further reduction of regiments on the Irish establishment. Some representation of the necessity to keep up a very respectable force in Ireland may perhaps be necessary, but your Grace will of course talk about it with the Commander-in-Chief."

I have just left Lord Mornington. He has "stated grounds of uneasiness and complaint which I never heard before, and very decisively assured me that he considered the faith of Government as broken in regard to him, since the session had been suffered to close without a suitable provision for him. He says that Lord Temple had made use of your Grace's and Mr. Pitt's name, and desired him to go over and assist your Government upon the express promise of being the very first person to be taken care of in any arrangement whatever, and that he had at that time declared his resolution not to take an active part but

upon such assurance. He therefore considered the disposal of the Post Office and other things as breaches of faith to him, and desired it to be remembered that though he had the utmost personal regard for your Grace, he could not suffer himself to be led away from his object, and that he wished it to be understood as his intention not to appear any more as a declared supporter of your administration." It is to be understood, therefore, "that Lord Mornington will not take an active part in support unless he has office in possession or in immediate unavoidable prospect.

"Lord Sydney just now informs me that the King is extremely anxious about a compensation to Lord Courtown, and I rather suspect his Lordship's interference in his favor with your Grace. I have, however, warned him of the impossibility of success."

Daniel Pulteney to the Duke [of Rutland].

[1784, June 11,] Friday. St. James's Square.—"After so many divisions and attempts to embarrass Pitt by the Westminster petition, we have disposed of it, as your Grace was before acquainted, and, upon the whole, Pitt, by a very fine answer to an astonishing speech of Fox's, got very handsomely out of a business which would have been troublesome enough to a weak ministry. The division on the first question that night was 195 to 117, on the second 178 to 90, many of our best friends being a little *too* conscientious, who have, however, immediately joined us again on all general questions. For a reason too ridiculous to mention to your Grace, in short, for gaining one vote who promised to stay the division solely on condition I would speak, I rose and spoke ten minutes, not having gone down till ten o'clock, and not knowing what was the question before the House. I took care, however, to get into no scrape, for, as far as I recollect, there could not have been a more dull or unimportant first speech ever delivered, but I certainly felt no more embarrassment than in a private room, and will venture to assure your Grace that you cannot employ any of your members who will more readily speak on the Turnpike Bills of Leicestershire, Cambridgeshire, Grantham, Newark, Scarborough, or Bramber, whenever such business is before the House. Independent of this vote, I got half a vote from Baron Dimsdale; and Fox who followed me, and who condescended to answer some trifling argument I had used, has declared at Brooks's, he wondered only at my want of embarrassment and want of information, which I can only explain to your Grace from the motives above, that I had not an idea of speaking till I rose, and that I was promised a vote if I did, on a question when a vote was very serviceable. In short, I take the liberty of speaking so long on such a subject to your Grace merely to say that, having got over without failing what I conceived such material objections, want of voice or want of assurance, I am perfectly ready to execute all the minor business of a member that your Grace will direct me to do, and in the higher departments I shall not think I should much please your Grace by diminishing the effects of Pitt's speeches and speaking on great occasions, unless it is to call up Fox, or answer some subaltern purpose of debate which may accidentally arise in the House. I have the pleasure to acquaint your Grace that the present quiet state of Ireland arising from your Grace's government is attributed to your being no mean governor sent over to pillage the people; to your connection with the leaders of the volunteers; and to the conciliating effects which the Duchess of Rutland's manners were sure to introduce in Dublin."

Lord Sydney to Sir Lucius O'Brien.

1784, June 11. Whitehall.—Intimating that Mr. Ogle had been preferred to the appointment claimed by Sir Lucius; and stating the reasons why it has been deemed expedient to carry out a promise made during Lord Northington's tenure of office. *Copy.*

Lord Sydney to the Duke [of Rutland].

1784, June 11. Whitehall.—The King accepts your recommendation of Mr. Ogle. That gentleman needed not to have transmitted to your Grace a copy of my letter to the Earl of Northington. I never intended to go back from my word, though the transaction was that of a man who had an equal regard to his own character and to the service of his master, who had been under such circumstances as to oblige him to appoint him to a situation for which God and nature never intended his Excellency.

I write by this messenger to Sir Lucius O'Brien, and enclose a copy of my letter. I hope you will think that I have not pledged Government on either side of the water further than was proper and necessary.

"An extraordinary event has just happened. It has seemed wise to those who have the honour of advising the Prince of Wales to counsel him to dismiss Lord Courtown from his service. His Royal Highness has made no scruple to assign his parliamentary conduct as the reason of his dismission. The King feels this outrage most sensibly, and is determined to distinguish Lord Courtown in some manner or other. A place in Ireland, you know, has long been his object, as he does not mean to be an absentee from his house and property. Your Grace may imagine that I squint at the place" held by Mr. Foster since the death of Lord Harrington. "At the same time I am sensible of the difficultys under which you lie, but Lord Courtown is a man not without weight in Ireland, and I am persuaded that his well-known connexion with Court, as well as the striking necessity of his being immediately distinguished, must appear as strong reasons for a preference at present that will not be humiliating to competitors who may not otherwise be his inferiors in their pretensions."

I am quite sensible of the impropriety of proposing anything that may tend to embarrass your administration in Ireland at this critical time. I shall, therefore, only add that, if the thing can be done, I am sure that it will be extremely acceptable to the King.

You will receive His Majesty's consent to your proposal for the two baronetages. *Marked* "Secret and separate."

The Duke of Rutland to William Pitt.

1784, June 16. Dublin Castle.—*Marked* "Private." *Copy.* [*Correspondence, p.* 16.]

W. N. Miles to Sir Edward Newenham.

[1784, June 16.]—Your letter awakened my apprehensions that Ireland was at that moment engaged in hostilities against Great Britain. I have been much disturbed by the idea. I have already written fully to you, but some important hints that were unintentionally dropt by an attainted Roman Catholic induce me to write a second letter. "It is a very easy matter to draw the sword. The great difficulty will be to

sheath it." The moment that measure is adopted, France and Spain will pour troops into your country under the pretence of supporting liberty against despotism. You are not unanimous among yourselves. You have not fully investigated your grievances. You are absolutely without a plan. If France engages in your quarrel it will be for her own ends, and not to obtain your independence, which cannot benefit her. You have already an independent right of commerce with France, which America had not. I know that it was in contemplation in the last war to land 120,000 in England and Ireland, of whom 40,000 were to have been in Ireland. A partition of the British Empire was agreed on, and you were to have been the share of Spain. This arrangement was even made before the Spanish Minister left our Court in 1778, and Paul Jones was despatched to your coast to reconnoitre for that purpose. Munster was the province to have been invaded. I will give you an instance of the duplicity of France. Almost seven years ago she arranged the separation of the Spanish and Portuguese colonies from their respective sovereignties, and that so secretly that neither of these kingdoms suspect the loss they are to sustain in the course of a few years. Even the French Ministers at the Court of Madrid and Lisbon were, and are at this instant, uninformed of the intentions of this Court. You must also expect dangers at home. The attainted families look to a restoration of their honours, and probably will look to that of their property. You invite the Roman Catholics to fight your battles. Do you imagine they will not fight their own? Even if their first object now is the gratification of your demands, do you think they will lay down their arms until they have obtained redress of their own grievances? A people emerging as you are from vassalage to share the blessings of freedom should be careful to establish a character for moderation. The London papers are just brought me, by which I find that Mr. Gardiner succeeds Mr. Foster, and that the Board of Revenue is changed, and that you make one. I hope this change has taken place, and shall conclude that peace is restored between the two kingdoms. "I am sorry to find by your letter that Mr. Fox is becoming popular in Ireland. You must indeed be very changeable if you can give your confidence to a man whom you so lately execrated, and whom you are convinced is not your friend." If you are reconciled to Great Britain, let the impression on the seal of your next letter be a dove, that I may anticipate the joyous contents of it. Let me know whether I shall endeavour to open a commerce for your woollens and printed linens in this empire. On looking again at your letter, I see you say that the measure to follow the non-importation agreements will be to refuse paying the paving tax and perhaps all taxes of the session. Let me entreat you to use your utmost endeavour to prevent so violent and unjust a resolution. The faith of the nation is pledged, and will you give yourself the lie? Keep within the pale of the constitution at all events. If you set such an example of disobedience, how can you expect obedience from the rabble you are arming, and who are already too refractory and too prone to violate the laws of their country? "I assure you that the very instant you commence hostilities you will be overwhelmed with French troops, and that the object of the war will very soon become a contest among yourselves for property." *Copy.*

The Duke of Rutland to Lord Sydney.

1784, June 17 [*sc.* 18.] Dublin Castle.—I have received yours with the King's approbation of Mr. Ogle's appointment. Sir Lucius O'Brien

bore his disappointment better than from his temper I had reason to expect. But I see he is a little offended. He desires the memorial which is with Mr. Orde to be laid before His Majesty, to which I have consented.

I am afflicted at the step which the Prince of Wales has taken in dismissing Lord Courtown from his service. "The great respect which I personally bear his Royal Highness, and being at the same time convinced that his natural principles are those of the sincerest duty and affection for the King, to proofs and declarations of which I have been a frequent witness, and in very unguarded moments, makes me grieved beyond measure to think that he has so linked himself with an abandoned and unprincipled faction as to adopt a measure which must so sensibly wound the feelings of a father, so destructive of his true interest, and repugnant to what I know were his original maxims." You may be assured I will take the earliest opportunity of meeting your wishes regarding him; but you must make allowance for my situation, and the number of powerful and eager claimants whom I have to provide for. The particular office to which you point is engaged to Lord Clermont, and was the consideration upon which he resigned the Post Office.

Ireland continues in appearance quiet, though the language of public print is still very insolent and replete with violence. Yesterday the Lord Mayor had anonymous letters stating that a mob from the Liberty was to destroy any English silk goods that might be found in the mercers' shops. We were prepared, but no riot took place. I cannot approve of the reduction of the army, and, so far as relates to this country, must protest against it. "The army is at this moment so extremely low in point of effective numbers, from the great hesitation there is to enter into the service and from the alarming disposition which universally obtains to desert from it, that to reduce any part of the establishment in the present House appears to me highly impolitick." It would dangerously encourage the volunteers, whose objects and claims, if uncontrolled, might become boundless. "If government is to be maintained respectable in this country, it must be powerfully backed, and armed against all contingencies; and if this material check on the spirit of intemperance, of discontent, and of sedition be removed, no man can answer for the consequences." I trust, therefore, that if this measure is irrevocably decided on, it will be carried out in such a way as least to endanger the interests of this Government, and so that troops may be replaced in proportion to those to be disbanded, or at least that the measure may be deferred till the corps on this establishment are better recruited and more complete. *Draft, marked* "Most private and confidential."

General W. A. Pitt to the Duke of Rutland.

1784, June 17. Royal Hospital.—In consequence of your communication received this morning, I feel sincere regret in finding that His Majesty's Ministers meditate a reduction of any part of the military establishment of this kingdom, at a time when the army is so low in effective numbers, both from backwardness in recruiting and through desertion. I am not now to represent the inadequacy of the present distribution of the troops, but I humbly suggest to your Grace that if it should be judged expedient, from economy or any other reason, to lessen the establishment of the King's forces, it should be done in such a manner as least to risk the interests of this Government, either by deferring the measure until the corps were further recruited, or by replacing strength in proportion to that intended to be disbanded.

THOMAS ORDE to the DUKE [OF RUTLAND].

1784 June 17. London. — The question of Reform is disposed of for this year, but, by Mr. Pitt's promise, to be introduced again in a more explicit shape early next session. You will see from the newspapers that a long debate took place, and you will hear of the particulars and division. I did not attend because I was anxious to avoid interpretation of my conduct in Ireland, where the circumstance of this business will certainly operate, I am afraid, not to the quiet and good of the country. It will at all events be difficult to avoid furnishing materials for faction and confusion. "Disturbers of the peace will very successfully shelter themselves in their persuasion to recruit the volunteer force, under the necessity of manifesting a resolution to be gratified in a favorite object. The Presbyterians will entice the Catholics, however certain their ultimate intention may be to exclude them from a participation in the more extensive privilege of voting, &c. The same conduct, however, of attention without interference will, I conclude, appear the most adviseable to your Grace, unless any open and alarming proceedings should require an absolute exertion of the power of Government. I hear Lord North made one of his very best speeches upon this question, and that Burke, after five fruitless efforts to gain the permission of the House to be heard, broke away in a violent passion, and did not return to vote at all. The House having made the day before a most uncommon shew of patience in his favor during his long speech introducing a *perpetual motion*, could not so soon again expose itself to the risk of another tedious harangue." I have conversed with Lord Clermont on the subject of his appointment to Mr. Foster's office instead of the Post Office. He wishes to see you before the final arrangement; but I am convinced that what I have offered him is fair and liberal. I have been assured by Mr. Pitt that he has talked to and, as he states, satisfied Lord Mornington. I am glad to find, from conversation with the Secretary at War, that it is resolved to keep up by immediate arrangements the effective force in Ireland. You will talk with General Pitt about the best means of retaining as many men as possible of the 67th for incorporation in other regiments. I trust things will go quietly, and that we are not to be terrified at the threat of a visit from Monsieur de La Fayette. "He should be told, if he comes, that we scorn his *assistance*."

"We meet with much obstruction about our short Post Office Bill to restore official privilege. Opposition is threatened, and of an unpleasant kind, for it will be attempted to extend the privilege to a general power of franking; and the merchants also will be forward to claim exemption for their bills of lading, &c."

The question about the commission for the judge of the Admiralty Court is very difficult. It is impossible to suppose that a concurrent jurisdiction will be allowed, and a Bill now brought into the English Parliament to ascertain the extent or limits of the Irish jurisdiction, &c. upon the high seas is a serious matter. I have laid the subject before the law officers in the first place for opinions.

I was at the Prince of Wales' levée on Saturday last. He enquired after you with sincere regard, and sent his best wishes.

The EARL OF MORNINGTON to the DUKE [OF RUTLAND].

1784, June 17. New Bond Street.—In consequence of a conversation with Mr. Orde last Friday, I find myself obliged to explain my position. I have reason to complain of a breach of faith on the part

of Government. Mr. Orde has disclaimed all knowledge of a direct promise made to me by Mr. Pitt through Lord Temple, and since repeatedly confirmed by Mr. Pitt, that I should be brought into office as soon as the Government assumed a settled shape. Under these circumstances I felt bound, as well in justice to Mr. Pitt's honour as to my own, to submit the whole transaction to him, and I have received from his mouth a full acknowledgment and confirmation of his promise as stated in this letter, accompanied by those marks of friendship which I have always experienced at his hands. "In the course of my conversation with Mr. Pitt, I declared to him, as I have often declared to your Grace, that I did not treat with Government on a plan of barter and sale, nor did I mean to extort emolument by a menace of opposition. I assured him that my temper, my principles, my connections, must ever incline me to the support of his Government here, and of your Grace's in Ireland, in the station of a free, irresponsible individual; but I added, that I could not think of remaining any longer in that new and singular predicament, of apparent confidence, and of real and vexatious responsibility, with my character pledged, with my time and pleasure dedicated to the service of Government, but without those attendant advantages of office which alone can prevent such a situation from being ridiculous as well as irksome.

"Mr. Pitt seemed to feel the nature and justice of these distinctions, and to enter completely into my feelings upon the subject. I am persuaded that your Grace will do the same, and that you will neither be surprized nor offended when I offer to you, with every sentiment of respect due to your public situation and of esteem to your private character, this humble intimation of my determined resolution to renounce and disclaim all responsibility for public measures, and all exchange of public confidence between the Government of Ireland and me, from this time forth untill the King's Ministers shall find it convenient to keep their faith with me, and to place me in some station where I may be able to act for the service of the Crown with effect, and without drawing my character into ridicule." Having thus submitted to your Grace my resolution, made upon public grounds, I am anxious to acknowledge the kindness I have received from you, and to affirm my attachment and affection to you personally; while I lament that those generous dispositions which I privately admire have not more influence over the public system of Irish administration. "That those dispositions have not had their due influence I must conclude, when I see the very basis and foundation of your Government laid in the purchase of intriguing enemies and in the total renunciation of a most attached friend." It is with much concern that I find myself compelled to take such steps, but I owe something to my political character, and I feel a certain sense of pride which will not suffer me to acquiesce under the infidelity of those whom I serve, and which urges me rather to return to an independent station, where my ambition cannot be disappointed either by the intrigues of enemies or the neglect of friends.

Daniel Pulteney to the Duke [of Rutland].

[1784,] June 17. St. James's Square.—"Reform was last night put off, for this session at least, by 199 to 125 on the previous question. I had the mortification to vote against Mr. Pitt, who was in the minority with Fox, Sir F. Bassett, &c., &c., almost all the House dividing against their friends and with their enemies for some different reason. On coming out of the House, I stopped half an instant by Pitt to tell him

how sorry I was I could not vote with him, to which he replyed, '*et tu Brute*,' or some such thing; and I think it possible the seeing me speak to him and then go out of the House may have influenced others, for I found J. Sutton, Lord Tyrconnel, Pochin, &c. in our majority. G. Sutton, whom I could not see, had paired of with Lord William Gordon, though, from what he tells me this morning, Steel had given him such broad hints as might have easily shown him how he could do most service. The question was brought on by Sawbridge and supported by Fox, and opposed by Lord North with the same view, namely, to do mischief. Pitt would gladly have put it off for the present, and so would Wilberforce, Duncombe, &c., but they dared not insist on putting it off, for fear of the construction which it was Fox's object to put upon such a conduct. When the debate was nearly over, I got next Lord Mulgrave on the Treasury Bench, and told him how improper it was to hurry us young members so abruptly into the business, and desired him to move the previous question. I suppose he might have intended to do this before, but he told me that if Burke or some one of the other side did not do it he certainly would, and at last he did so. I mention what follows to shew your Grace. how difficult it is to get the House to vote against Pitt, for on Lord Mulgrave's motion there was at first a loud outcry from our people, and on Pitt's desiring Lord Mulgrave to withdraw the motion and considering it as a slur upon the main question, I really thought we were in danger of being entangled with this business all the summer. At last, however, by dint of Will Grenville supporting Lord Mulgrave, and convincing Pitt's friends there was no trap intended for him, we were induced to vote against him as above, though I believe as much was done by conversation after the question had been put as during the debate. Everything that is to come on now will pass so smoothly that I shall have very little indeed to acquaint your Grace with worthy your notice, for except voting ten to twenty millions for the payment of Lord North's arrears, there is nothing I know of at present before the House, though Dempster threatens some motion next week as long as Burke's."

Out of doors things are not going so well. I see no prospect for some of us but your making me a Nabob, which I think Pitt will be ready to do on your application. "For after all the world is not such a dupe at present as to think there is any sort of difference in the object for which all people go to India. Everyone I know expects I should get there, and some regard to past distresses which have been so felt in common will prevent Fox and his party from saying anything on such a subject." But I leave everything to your judgment, and shall not apply to Mr. Pitt until authorized by you. I hear, on good authority, that Lord Shelburne is discontented; but I know numbers of our friends who will be very much displeased if he is gratified: it is difficult to discover the reason of this prejudice, but the fact is certainly so.

We hear you are preparing for a summer tour through Ireland, which must be a country of infinite curiosity for a stranger, and which everyone envies you in. Your appeasing the Irish has appeared almost incredible; and your continuing in the Vice-royalty has given great satisfaction to people here.

Lord Leitrim to the Duke of Rutland.

1784, June 19. Spa.—Applying for advancement in the peerage, on the ground of former promises and of having returned the late Lord Lieutenant's secretary for his borough.

Daniel Pulteney to the Duke [of Rutland].

[1784,] June 21, Monday.—Pitt has brought in some resolutions to take off the entire duty on tea and substitute a tax on windows, to which, as an instance, Belvoir Castle will contribute 20*l.* a year, in compensation for which you and all your household will drink tea at half its present price. The advantage will be that it will nearly put an end to smuggling. "It is rather singular that as every part of the House received a speech of Pitt's of more than an hour with every mark of applause, there was no debate but 'who was the real inventor of Pitt's plan."

General R. Sloper to the Duke [of Rutland].

1784, June 21.—Informing him that he had been appointed to the command at Madras, but stating his objections to accept the appointment unless he receives the King's letter of service, which would prevent the possibility of his dismissal by the Governor of Madras.

Thomas Orde to the Duke [of Rutland].

1784, June 24. London.—I am glad you express satisfaction with my hasty scrawls. The disturbances, actual and apprehended, of which we have received accounts make me anxious to get back to Ireland. "I will not, however, suffer myself to be unreasonably alarmed, because, indeed, I really venture to think that in the midst of this scene of riot and disorder, I collect from the very excess and wildness of it some grounds for hope that it has no other instigation or guidance or object than what appears by the public act."

Contempt will not answer for this kind of proceeding, though it is the only weapon "to use against Tholsol meetings and resolutions. By the account of the last, nothing could be so low and infamous." The state of the magistracy and of the police must be subjects for very serious consideration.

I was glad to see that "so many respectable characters attended the Council, and that the Duke of Leinster, Conolly, and Gardener were there. The exertions of Government alone will not be sufficient upon this occasion. Mr. Gardener, for example, should shew himself true to his declaration that he would give up the interest he took in favor of the manufacturers if they should ever again be guilty of any indecencies or violence."

"In these disturbances, as auxiliaries to the design upon the constitution and property of the country, the Roman Catholics seem notoriously to take a great share, and I fear very seriously the success of them upon the Presbyterians, or the Presbyterians upon them, by means of the encouragement given here to expect a favorable issue to the question of Parliamentary Reform. I have apprehensions of Dungannon meetings, &c."

The enclosed are copies of letters "which Mr. Pitt has shewn me, and are very extraordinary. I have not yet learnt who Mr. Miles is, but I do not think his account to be despised. Sir Edward Newenham is a fool and a rogue, I fear, and it will be certainly right to keep an eye upon him. Yet I cannot conceive any serious intention of proceeding to hostilities except by the warfare in his unsettled brain. I am, however, very much inclined to give credit to parts of the information, or rather remarks, that the design may be, and the conclusion undoubtedly, if the matter once begins, would be, a war of *property*."

Business seems entered on in earnest here, and I hope will be far advanced next week—the Smuggling Bill, the Budget, and some proposition respecting the East Indies, but I do not find that anything decisive is yet resolved upon.

I am concerned about poor Sir Lucius. I have mentioned your wish that his memorial should be laid before His Majesty. I hope Lord Mornington is, and I think he ought to be, satisfied. There has really been no office in the power of the Government to give him, since he was invited by Lord Temple to assist your Government; and his services have been only exerted for a very short time. He stands on the fair line as a very favourite candidate for employment. I think Lord Temple got you into a scrape by the height to which he raised Lord Mornington's pretensions; but, as the inducements were held out and confirmed, I think they ought to be carried out as strictly and liberally as possible consistently with the real necessities of His Majesty's Government. I cannot bear to be a witness of the distress you suffer on an occasion for which you are certainly not responsible.

I hear no more of Lord Hillsborough's call to office here; nor do I think that Lord Temple is destined to any great employment, and I perfectly enter into your feelings on the subject.

I have seen or heard nothing of Lord Bellamont, except from a vague report, probably groundless, of a quarrel between him and Flood.

Lord Shelburne is come to town and is better than I expected, though far from well. Pitt has expressed to me a very warm wish to show him some distinguished mark of attention, but he seemed to think the matter required a good deal of consideration. I hope your letter may have a good effect.

Lord Sydney has written for the immediate disbanding of the 67th, but I have suggested waiting for the arrival of the relieving regiment from Plymouth. The two regiments from Scotland are, I understand, on their passage. I hope some of the men of the 67th will re-enlist, though I assume they cannot be draughted. I am sure the force in Ireland ought not to be diminished.

I have found the Ministry here as well disposed as we can expect to coincide with us upon Irish business, but Mr. Pitt postpones our serious conversation upon the subject until next week, after opening the Budget.

The Earl of Hillsborough to the Duke [of Rutland].

1784, June 24. Hillsborough.—I shall set out for London in a few days. I leave this part of the country in a much better state than it was in three months ago; and, notwithstanding the exertions of Mr. Waddell Cunningham, the Bishop of Derry, Mr. Sharman, and the dissenting parsons of the Independent faction, the numbers of their following are greatly diminished, and people's eyes in general begin to be opened, insomuch that I hope a short continuance of the wise measures you have adopted will dissipate the storm, which I really thought threatened us with great calamities. I trust, however, that till the nonsensical reviews are over you will not suffer the military force in this part of the kingdom to be diminished. Pardon my zeal.

Lord Sydney to the Duke of Rutland.

1784, June 25. Whitehall.—I am concerned that it appears improbable that Lord Courtown's pretensions can immediately be considered; at the same time I am fully sensible of your difficulties. I trust, how-

ever, that you will consider his situation, "as it is certainly of moment to the King's service that he should be held up in a distinguished light after what he has suffered for his attachment to His Majesty. I lament the step taken, as an old adherent to the House of Brunswick more than as a friend and relation of Lord Courtown. Villains of the *blackest die* have the possession at present of the *young man's* confidence."

I am as much inclined as your Grace to protest against the reduction of the army, but we were precluded from judging upon that question by the votes of the last Parliament. However, I am authorized to give you what latitude yon may judge necessary as to the time of reducing the 67th.

Mr. Pitt is so occupied with the Budget that he cannot write to you by the messenger now going out.

I trust the symptoms of disturbance will pass away, and that your vigilance will prevent the extremities which are sometimes threatened. "You may depend upon my using every endeavour to discover any correspondence that may pass through England, but I am nearly convinced that the post is not their channel, if such communications are carried on. I say that from the pains I have taken to discover it." *Marked* "Most secret and confidential."

Daniel Pulteney to the Duke [of Rutland].

[1784,] June 26. London.—"I sincerely hope your Grace is much better amused than by reading any accounts I can send from hence during the present session. Fox has not been in the House except by accident, and Lord North not at all this last week or ten days, so that we vote millions upon millions, armies, navies, ordnance, &c. with no other debate than what arises from a conversation by Mr. Hussey or Eden. I was with Lord Chatham to day relative to a private Bill of Lord Milton's which he has promised me to support in the House of Lords, and the same company prevented my talking with him on politics. He told me enough to convince me they were never better pleased than at present. Orde stalks in and out of the House, sometimes like a ghost, but no debate having arisen respecting Ireland, we have not heard any accounts from him of your Grace's happy government." Let me ask you to urge upon Mr. Pitt to obtain for me an Indian appointment; I should then vacate Bramber for any other of your friends. "Mr. Pitt has given notice that the Budget is to be opened Wednesday, and all the election petitions are discharged after the end of next week, so that probably this session will be over about the middle or towards the close of July. I do not think any India Bill will pass this summer, and I have always avoided asking Lord Chatham any question on the subject. One of our friends, I suspect, has very tempting offers from the Bedford party in Cambridgeshire, and his conversation has been once or twice very silly and mutinous. I mean Mortlock; but I got Sutton to introduce him to Lucas for some favor he wanted in the Excise which seemed reasonable enough, and for which he has at last got a letter from Pitt to the Board. His language, however, is always highly respectfull to your Grace, for he only complains of your absence, and I really believe he will kill in your Grace's stead Mr. Yorke, and the Treasury clerks, with his importunities."

General W. A. Pitt to the Duke of Rutland.

1784, June 27. Royal Hospital.—Mentioning a requisition from the Lord Mayor and magistrates of Dublin for additional guards; and

stating the necessity that the Corporation should provide accommodation for the troops required. Further, that the force called for was inadequate to the disorderly state of the city; and that, be the force what it might, it must ultimately be ineffectual, unless the magistrates were firmly determined upon being personally active in the exercise of their authority.

The Duke of Rutland to General Fawcett.

1784, June 28. Dublin Castle.—It would give me great pleasure to see you wear the vacant ribbon. I do not know how far Mr. Pitt may be engaged, but I hope he will be both disposed and able to forward your pretensions, which commend themselves to me. I have not time to write to Mr. Orde by this packet, but as the time of his stay in London may be limited, you had better see him and in my name desire him to speak to Mr. Pitt on the subject. *Press copy.*

The Duke of Rutland to the Rev. ———.

1784, June 28. Dublin Castle.—The claims for church preferment in Ireland are so numerous and pressing that, with the best inclination to serve you as far as it could be done with propriety, I cannot hope to have anything to offer you equal to the advantages of your present situation. *Press copy.*

John Manners to the Duke of Rutland.

1784, June 28. Pall Mall.—Asking to be recommended for an Irish peerage.

The Marquess of Lothian to the Duke [of Rutland].

1784, June 29. Waverley Abbey, Surrey.—"Lord Cornwallis has been sometimes to see me, and he seems to think vastly well of the strength of the present administration, and the kingdom in general seems inclined towards it. And Ireland, in my opinion, should now become their chief object. I doubt that blood must be spilt in that country before it will submit to British government. Your business is to prevent it if possible. I think that, notwithstanding appearances, they will never give up their arms."

The Duke of Rutland to Lord ———.

1784, June 30. Dublin Castle.—I return your Lordship my sincere thanks for your prompt consent to contribute your assistance to Government. The peace and good order which have of late been so much endangered in this metropolis has rendered the necessity of placing soldiers in the Liberty absolutely indispensable. The terror with which the sober part of the society has been impressed by the disorderly would have prevented this measure from taking effect, had you not, with the spirit of a nobleman and the principles of a good citizen, stepped forward at this critical moment. I am proud of receiving this testimony of confidence from you, and I shall not fail of communicating to the King the zeal and readiness with which you have supported his Government. *Draft.*

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LORD SYDNEY to the DUKE OF RUTLAND.

1784, July 2. Whitehall.—As I am sending a messenger with the Proclamation for a Thanksgiving for Peace, I take this opportunity of acquainting you there is reason to suspect that several French gentlemen mean to visit Ireland. I hear the Marquis de La Fayette mentioned. These gentry should be watched.

Mr. Pitt distinguishes himself more and more every day, and his character in the City stands higher than ever. The Prince of Wales was extremely ill yesterday with a fever proceeding from an indigestion, but he is out of danger to-day. *Marked* "Secret and separate."

SIR EDWARD NEWENHAM to W. [N.] MILES.

1784, July 3. Belcamp.—Yours of the 16th I have this moment received, but neither those of the 10th or 14th. I am not in the service, consequently not in the confidence of any Government; neither do I give my confidence to Mr. Fox. Mr. Pitt has some of my confidence, but I do not admire his ministerial connexions. "Though a warm advocate for a Parliamentary Reform, yet I think Sawbridge ought not to have made his motion after what the Minister said. My fears about the Minister are that his head will be turned with his unexampled fortune, power, and situation, and that he will listen to Tory advisers here. The dissipation of the present Ministry here is beyond comparison.

"The nation was never in such a ferment from one end to the other. The *Papists* are arming throughout the kingdom. Public advertisements of schools for [teaching] the use of arms to all lads of spirit from fourteen to eighteen years of age. Twenty-three pieces of volunteer new cannon have lately appeared. Non-consumption and non-importation agreements are nearly general. Tarring and feathering have been executed upon four obnoxious persons. Several tradesmen have been quitted by their workmen, and some tradesmen have been obliged to shut up as they had lately imported such a quantity of English goods.

"This day 395 circular letters were sent off from the Aggregate Committee to the most public characters in several counties inclosing their petition and desiring an immediate junction of all parties and *descriptions* of men in order to unite with them; this meeting have declared in favor of an equal right of elective franchize to be invested in those people formerly called Papists but now Catholics: even the word Roman is left out. Thus they usurp every nomination of respect and originality.

"This moment, in half-an-hour after I received yours of the 16th, I received yours of the 14th, which appears extraordinary. The post-mark is not as usual—Liege. It is come free. In it—which I send the cover of—you say that you send me a letter which you wrote to a certain great personage, but that is not received, and I long to know if the inclosed cover is *original*.

"The reports of coming in, exchanging of some places, and a new officer in Mr. Foster's old employment *may* in part be well founded, but, as to my part, I refused every offer of office these fourteen years, not from any *particle* of opposition, but because I love a domestic life, and I could not brook obedience except to the laws human and divine. Believe me, my

dear friend, you do not know my principles if you harbour the most distant thought that I ever was in opposition for the sake of opposition, hopes of *popularity*, desire of being particular, or in order to be rewarded with place, pension, or title, for on my most sacred honour I never was, or ever will be, such a slave or hypocrite.

"I will now answer your queries in a full and unequivocal manner. I am totally from my heart against the general franchize of elective powers. I am a determined friend to old England if her Ministry are friendly to our trade and liberties; I will support and defend her, I love her inhabitants though they are degenerated, for the very few *Miles* now among them proves the truth of their degeneracy. I am against this general arming of the people—your sentiments and mine are united in that respect; there is not a line of your two last letters my sentiments do not correspond with—our religious and political sentiments are the same. As to Mr. Fox, you must have misconstrued my words. I meant at least to say that he was becoming popular in this kingdom, not that I gave him my humble and immaterial confidence, for in that way I am very slow; you have had more of my confidence than any man breathing; next to you was the late Dr. Lucas. I personally knew his integrity and I am convinced of yours. If Ministry knew you as well as I do they would—or at least ought to—make you their friend and advocate when their intentions are *honest*, for then your support would be powerful. I like Pitt's conduct as far as he has gone. I detest what Opposition has lately done, but I am clear of all attachments to any party. *Rutland* revived the old suit of the Commissioners against me, only to put me to trouble, and they have carried it on with a violence of spirit that would make another man publish them to the world.

"Upon examining the cover and letter I find it has been read since you sent it, for the cover is a London mark. I suppose you inclosed it to some friend in England, who, having satisfied his curiosity, sent it as directed.

"It is three months since I have been either with the volunteers or at any public meeting or even private meeting of popular men. As to your fear of any serious dispute between the two nations, I think it ill-grounded. Nothing could bring down such a misfortune on both countries but new oppression in taxes, places and pensions. A short time ago Lady — Hatton, wife of Mr. Hatton, a man of fortune, got a pension of 400*l.* a year. Other pensions equally infamous have been or are shortly to be added to the infamous list of prostitution. This is not the season for jobbing; it shews a want of sense to add fuel to the fire they have been the occasion of kindling.

"A wise Minister, a conciliating Viceroy, an affable Secretary, a candid behaviour towards the real independent country gentlemen, forsaking the system of setting the Protestants and Papists at variance, a stop to the overgrown insolence of men in office, part of the protecting duties, some reformation in the representation, characters notoriously infamous banished from the confidence of the Viceroy; these objects obtained, the volunteer army would disband and not a murmur heard; had it not been for Foster's and Fitzgibbon's insolent speeches, the acts they supported and the resolutions they carried would have passed more quietly, but it was owing to their absurd and audacious declarations that the flame of resentment spread so rapidly.

"I cannot seal my letter with either a dove or a Mars, as neither of them are properly emblematical at present, but I trust the dove is the only one I shall ever have occasion to send to an Englishman. Nature joined us, and if we separate we both must fall. While united we may recover under another Chatham, and put down the growing power of our

enemies, but should Ireland fall, England could not stand. Our harbours are so naturally strong, commodious, and well-situated, that fleets might be stationed there to the total ruin of British trade, for conquer Ireland she could not for want of troops. I shudder at the most distant idea of *ever* having such a question agitated.

"I send you the Dublin proceedings; they are copied by Cooke—at a most numerous meeting. It is doubtful whether they will become general on account of their violence. They were all drawn up by my estate agent, Mr. Tandy."

Press copy. At the end is a note as follows:—"The foregoing is a true copy of a letter put into this office on Saturday night the 3rd instant, directed 'A Monsr. W. A. Miles, à Liege.'"

The Earl of Hillsborough to the Duke of Rutland.

1784, July 4. Hillsborough.—Recommending Mr. John Reilly, the member for Blessington, to succeed to the collectorship of Newry on the death of Mr. Hamilton.

Sir Edward Newenham to the Marquis de La Fayette.

1784, July 5. Belcamp, near Dublin.—"Permit me to invite you here, where attention and due respect will mark the conduct of this happy family, and perhaps the Marchioness might honour Lady Newenham with her company and like to visit this hitherto unknown island. Such a tour would be new and pleasing to her. I am confident of your being most honourably received by the principal nobility in the kingdom."

From the papers I enclose "you will see our resolution to have equal trade and more *perfect* representation of the people. The city of Cork have followed the example of the city of Dublin, and it is expected it will be general."

It appears an age since I had a letter from you. I was in hopes of getting your picture in London "to place with those of your brother soldiers and citizens of America. I have dedicated one room to those ever glorious worthies."

"My corps have elected my son captain of the light infantry company; they have had four regular encampments within these few days, and sham battles; they sleep in their tents; they have provided a large magazine of ball for their fuzees and cannon; my agent for my landed estate, Mr. Samuel Napper Tandy, is captain of the 1st artillery company; in a few days they are all to encamp on the lawn before my house, and partake of a collation with plenty of Bourdeaux claret. There is not in Ireland a happier or more united corps.

"I again solicit the particular honour and *most sincerely desired* favour of seeing you here; be assured, my dear Marquis, you shall be the same as if at your palace. Respect, esteem, and attention shall not be wanting. Believe me, you have not a more sincere well-wisher in your own native land than I am." My respects attend "that virtuous ornament of this age, His Excellency Dr. Franklin, and sincere affection to his worthy grandson." *Copy.*

Viscount Lifford, Lord Chancellor, to the Duke [of Rutland].

1784, July 5.—Approving of his proposed answer to the sheriffs.

THOMAS ORDE to the DUKE [OF RUTLAND].

1784, July 5. London.—I have now little more to do here in public business, since the Ministry understand the necessity of a final adjustment and will seriously put forward the work. "I had a long conversation with Mr. Pitt on Saturday, and we agreed entirely upon the mode of proceeding, so as, without risking anything of the proper dignity of Government, to persuade those of the Irish nation who will admit of any persuasion that the discussion and settlement of the several points in question will be effectually entertained and carried through." I am concerned at the difficulties arising from the violence of faction, which cramps the generous disposition of Great Britain to concession and accommodation. There is danger of misinterpretation to liberality and of attempts to diminish the merit and the value of indulgences. This cannot, however, be allowed to impede just and prudent measures. It will be necessary for Government in the meantime to convince people of its firmness as well as of its fairness. I do not, therefore, wonder that you hesitate about transmitting the insolent petition from the Aggregate meeting; but should doubt of your refusing to transmit the petition, unless well advised of the illegality of their meetings. If you can get a good counter address, I think you would do well to transmit the petition for the sake of the contrast. But I must remark seriously that "when you discover symptoms of fear to assist Government because of the menaces of a mob, you must seek to conquer it only by holding forth of yourself some clear and indisputable signal of a sure and settled protection. This can never be better manifested than by a dignified exaction of everything that is due to the—in one word—sacredness of the laws and, immediately in connection with it, the mild majesty of Government. Let the well-disposed see that the hand has power to restrain, if the extention of its liberality be abused, and that there are certain bounds which even indulgent forbearance will *never* allow to be transgressed. Then will Government by degrees recover its tone, and feeble will be the attempts to annoy it. All this, after long relaxation, is to be done cautiously, and with management, but it must be discernible and not to be obscured. I am convinced that, notwithstanding all present outrages, your Grace's administration will, by the calm and steady measures you adopt, insensibly weaken their effect, and introduce good order into the place of tumult." I am glad Lord Meath has acted so very honourable a part, and I trust that it will have a good influence upon the conduct of others.

At the end of the week I am to have another meeting with Mr. Pitt. I shall preach with great energy against making any Irish peers on this side the water. The enclosed letter from Lord Leitrim is in a style of menace which must not be allowed to succeed. He was one of the last made barons. I am sorry Lord Mornington has written you a letter full of intemperate complaint, because he knows it is unjustifiable as addressed to you, and he can do himself no good. "I am very sure that while it will be incumbent upon your administration to withstand the urgent petitions of the people—though of the lowest condition—for reforms and regulations, and corrections of supposed abuses, it must be peculiarly necessary to preserve yourself from any well-founded attack on the score either of increased patronage or expence." I must again take the liberty of warning you against any increase of terms to Lord Clermont. Mr. Foster's office, which you may give him immediately with the disposal of 100*l.* *per annum*, is an arrangement highly advantageous to him.

I am glad you have written with such friendly earnestness to Mr. Pitt about Lord Shelburne. His health is much improved under Sir

Richard Jebb's care. He feels, I plainly perceive, the awkwardness of his situation, "while it can be thought, and indeed is said without contradiction, that he who laid the foundation nobly and honorably for the present ministerial establishment is made the only sacrifice for the security of its success, and that not only the Opposition but that His Majesty and the Administration seem to acquiesce in the justice of his fate, which can hardly be deemed other than general disgrace and desertion. An honorable testimony in disproof of this stigma, it appears to me to be absolutely incumbent upon Administration to offer him." I have opened my mind and information very freely to Mr. Pitt, who seems well disposed, but at the same time appears to have some "hesitations, as if there were obstructions somewhere. I do not believe there are any in the chief quarter."

"Mr. Pitt has, if possible, increased his credit and glory by the manner in which he opened and explained the great subject of finance." He will meet with many difficulties in carrying his taxes. Upon a point favourable to Ireland he is very hard pressed, I mean upon printed linens, cottons and calicoes.

To-day the great business of India is to be opened, and I tremble for the event. I have always wished that no bill would have been introduced this session, but that a change in men only had taken place, with some improvement in the instructions given them. As it is, I hope the measures may be well considered and upon a great scale. Atkinson will be a useful man in the House upon that and other subjects of commerce.

The French cabinet is certainly torn in pieces. De Vergennes will have difficulty to maintain his influence, which, if he loses, the Emperor will be suffered to carry all his measures.

There is as yet no advance in the commercial relations between Great Britain and any of the great foreign powers or America. I have entreated that real regard may be had to Ireland in these negotiations, and have reason to believe it will not be neglected. In my opinion, we cannot be too liberal to Ireland or contribute too much to her prosperity, while we take care that Great Britain shall not become absolutely dependent on her. I still indulge—perhaps romantic—ideas that the welfare of both may be strengthened and confirmed. The struggle of premature sedition will not operate against my expectations.

The Prince of Wales is recovered from his last attack of illness, but indeed they begin to come too thick upon him. *Marked* "Private."

Daniel Pulteney to the Duke [of Rutland].

[1784,] July 6. St. James's Square.—"Mr. Pitt prayed to-day for leave to bring in his India Bill on Friday next. The House was as crowded as could be expected at this late season, with the Duke of Portland and Co. under the gallery. Pitt's opening speech to explain the Bill went into three distinct points: 'the government of India by commission in England,' 'the internal government of India amongst themselves,' and 'the punishment of delinquents.' The speech was highly applauded from every side of the House, and Fox, who alone rose to answer him, said that he had little or no objection to the two last points; with regard to the first, it differed so essentially from his Bill, that self-defence and indeed every other consideration must make him oppose it throughout when the Bill was read in its second stage; and so the House broke up, with the prospect of a battle at the second reading of the Bill, which must be some day next week. I thought it my duty to acquaint your Grace with this, however immaterial, as it will

probably be a day earlier than the newspaper. Your Grace's friends are sometimes alarmed here by all sorts of falsehoods in the papers, and one of them to day declared the Duchess of Rutland's life in imminent danger. Lord Chatham, however, told me this morning there was no sort of truth in it, and I assure your Grace that upon his authority I gave great pleasure to several people in the House by denying it likewise.

"With regard to Mr. Pitt's India Bill, on which there will be a grand debate, I really feel great difficulty from want of your Grace's directions and presence in England, having so slight a connection with Pitt at present, as through Lord Chatham we have no sort of plan, or system, or discipline. We conquer at present by numbers, and shall run no sort of risque this year at least; but I foresee what *may* happen if Pitt's ministry is to be conducted on such a narrow system as public virtue, for the House of Commons must and will be what they have been this last century. With regard to speaking, I shall think it best to leave all to Pitt, though I have, partly from the merits of the case, and partly from a particular attention to your Grace's old obligations, spoke and voted so stoutly in a committee for Potter's election, that though we had only six to nine at first, we got nine to six at last, and have put him in the way of being next week a sitting member. I find it has offended Pepper Arden, Wilberfore, &c. very highly, as the person who was thrown out was Sir R. Smith, but Mortlock, who was Potter's nominee, had privately engaged to me that Potter should always vote for Pitt."

THOMAS CONOLLY to the DUKE [OF RUTLAND].

1784, July 8. Castletown.—I am gratified by your communicating to me your proposed answer to the address of the Aggregate Body to the King, and entirely approve of it. I hope it will convince those gentlemen, as well as all others that are disposed to trample upon ourselves and Parliament, of the firm resolution of Government.

W. N. M[ILES] to SIR EDWARD NEWENHAM.

1784, July 8.—The Continent, particularly this neighbourhood, will soon be the theatre of war on account of the dispute between the Emperor and the Dutch. This makes me wish to come to Ireland. Let me then entreat of you to exert yourself for a family devoted absolutely to you and your country. Can we live in any nook of your island —among Protestants—on 150*l.* a year? I propose to quit this in October and pass the winter in France for my daughter's education. Do your utmost for me. I have done with politics and Ministers of all descriptions. "I will eat bread and cheese in peace, love my country, and fight for liberty." *Copy, marked* "Secret."

THOMAS ORDE to the DUKE [OF RUTLAND].

1784, July 9.—I am glad to find you are prepared to give so marked an answer to the petitioners who were to insult your chair. I shall still be glad to be informed of a counter address, well supported.

The meeting of Roman Catholics on Friday last seems to have ended favourably, but I feel uneasy from the idea that their forbearance is practice only of a plan to further other pretensions, including admission to the army, revenue, and law.

His Majesty much approves of your proposed answer. You must not have any ground for apprehension of want of support from Government,

when everything depends upon the encouragement to be given to the well-disposed.

Mr. Pitt has given up the Coal Tax. Burke, notwithstanding his *threat* of absenting himself for ever from the House of Commons, appeared again to-day, and, I take it, will give us a tremendous speech on the second reading of the India Bill. *Marked* "Most private."

LORD SYDNEY to the DUKE OF RUTLAND.

1784, July 9. Whitehall.—I have received the copy of the address from the Aggregate Body with your intended answer. His Majesty entirely approves. Mr. Pitt has withdrawn his Coal Tax, and you may therefore counteract any attempt to make that a topic of discontent in Ireland. You will not be in a hurry to disband the 67th. *Marked* "Separate and secret."

The EARL OF HILLSBOROUGH to the DUKE [OF RUTLAND].

1784, July 10. Hillsborough.—Concerning the Newry collectorship, and acknowledging and approving copy answer to the Aggregate Body. *Signed.*

JOHN FOSTER to the DUKE [OF RUTLAND].

[1784, July 12.]—Asking for the collectorship of Newry, or Cavan, for his relative, Mr. Ephraim.

[The DUKE OF RUTLAND] to J. FOSTER.

1784, July 13. Dublin Castle.—I regret that the collectorship of Cavan was disposed of before I received your application, and my engagements relative to Newry are, and have been for some time past, incompatible with any hope of my being able to serve your friend. *Press copy.*

THE EARL OF SHANNON to the DUKE OF RUTLAND.

1784, July 13. Castle Martyr.—I am obliged to you for sending me the copy of your answer to the disgraceful address. It has given great satisfaction to all who are interested in the stability of institutions and and it will encourage the well-disposed.

VISCOUNT LIFFORD, Lord Chancellor, to the DUKE [OF RUTLAND].

1784, July 13. Stillorgan Park.—A complimentary letter.

THOMAS ORDE to the DUKE [OF RUTLAND].

1784, July 14. London.—I was prevented taking leave to day by a prolonged conversation with Mr. Pitt, which kept me too late for the levée. I shall now attend the battle on the East India Bill. I saw the King at Windsor on Sunday and he expressed the highest approbation of your conduct, especially in regard to the petition of the Aggregate. *Marked*, "Private."

LORD SYDNEY to the DUKE [OF RUTLAND].

1784, July 14. Whitehall.—I must repeat the King's approbation of your answer to the Sheriffs. We shall be glad to receive the counter address. We hope to see an end of our session in a month. *Marked* "Secret and separate."

The Earl of Tyrone to the Duke of Rutland.

1784, July 14. Curraghmore.—Acknowledging and approving of his answer to the Aggregate Body.

The Duke of Rutland to [General Pitt].

1784, July 15. Dublin Castle.—On the fullest consideration of what you observed to me in conversation yesterday, I am clearly of opinion, that under the present temper and situation of the City of Dublin, the strengthening of the garrison is a necessary measure. I should prefer that two regiments, rather than one, were called in, if they can be drawn from other quarters without materially affecting the indispensable service of Government. I should wish the 45th to be one of them. I agree with you that a guard extraordinary ought to be posted at the Arsenal, and you will issue orders accordingly. *Press copy.*

General W. A. Pitt to the Duke of Rutland.

1784, July 15. Royal Hospital.—I am honoured by your letter confirming the necessity of strengthening the garrison of Dublin. "The spirit of sedition and tumult seeming to be greatly more prevalent here than in any other part of the kingdom, a timely suppression of it by the magistrates is become indispensable. The facility of doing this may be in proportion to the appearance of support from Government, and the maintenance of legal authority in the capital is an object so superior to other local considerations that I do not hesitate a moment upon the propriety of your Grace's pleasure to have two regiments drawn hither." Orders are already given for the marching of the 15th. Immediate accommodation cannot be made for more, but immediate preparation shall be made for the arrival of the 45th, which will march as soon as the 28th arrive in Scotland. I shall wait upon your Grace for your commands as to the security of the Arsenal.

The Earl of Hillsborough to the Duke [of Rutland].

1784, July 15. Hillsborough.—"Being as yet at Hillsborough, your Grace may probably expect that I should give you a short account of our Belfast review. I was not at it, but I am well informed that the number of volunteers amounted to between sixteen and seventeen hundred. The appearance was much inferior to the former reviews, and I do not believe this dangerous folly is wearing fast away. I humbly think, however, that attention ought to be given to it, and as I had the honour to say to your Grace, the regular troops ought to be kept strong in these parts. The independent parsons attended the review from almost every parish in Down and Antrim, and they do preach up the principles of Republicanism and doctrines that lead only to sedition and rebellion, in the most open and barefaced manner. I saw three bodies of volunteers march through this town, each with an ill-looking fellow at their head carrying a large axe. This is said to be aimed at the King. The people, when asked what the volunteers are to get by this, their answer has been, shares of the forfeited estates. In short, the poor ignorant people are taught by their Ministers to believe they are slaves, and ruined, if they submit quietly to the law."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1784,] July 15. London.—Though I have no particular information to send, I repeat my assurances that everything seems settled on a permanent system. Mr. Pitt's principal embarrassments arise from his friends, particularly with regard to some late regulations in the revenue. "Where Wilberforce, from some partial view of the subject, and the London merchants, from interest and design, throw obstacles on some of the best regulations, and as the Opposition would have taken care to throw their weight, however feeble in itself, into any scale against the minister, I really believe Pitt would have been outvoted yesterday in a division on a very proper and necessary clause, but the consideration of the affair is put off for the present. In a full House there is never any risque, but at this time of year it is almost impossible to bring down above sixty or seventy members; and I really think your Grace's members are the most usefull in the House, for I don't believe Pochin, Sutton, or myself have ever missed a single day, and Lord Tyrconnel is seldom or never absent at any expected business." We are to fight the old battle next Friday on the commitment of Mr. Pitt's East India Bill. Pitt was obliged to give up the tax on coals. This will be a good thing for you; and will prevent an occasion for new clamours in Ireland.

The DUKE OF RUTLAND to LORD SYDNEY.

1784, July 16. Dublin Castle.—The accompanying account is an exact relation of the late tumults in this metropolis. I am persuaded that in the end they will produce the happiest effects by awakening those who wish for quiet and good government. I am under no apprehensions with respect to the perfect restoration of tranquillity. I have directed two additional regiments of infantry to march into Dublin; and have likewise directed two companies to be stationed as a permanent guard to the Arsenal. *Draft.*

W. PRESTON to the EARL OF ARRAN.

1784, July 17. Dublin Castle.—Conveying the Duke of Rutland's refusal of an application for Church preferment for Mr. Horan. *Press copy.*

[The DUKE OF RUTLAND] to O. WYNNE.

1784, July 17. Dublin Castle.—Refusing an application for a living for his son. *Press copy.*

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1784,] July 17. St. James' Square.—Mr. Orde told me he was going to Ireland this morning, so that I need not mention the debate or the numbers. "I am to wish your Grace joy of the good effect which he says they will have in Ireland. It is sometimes reported here that your Grace has requested to return." If they are "discontented with their present Court, nobody will have the vanity to expect a better reception, and I solemnly believe Pitt would never find a successor unless he was to send one of the Princes to govern them, as Dempster *seriously* proposed doing with regard to India."

"Pitt has changed his plans so often lately relative to India in order to accommodate all parties, and the bill will probably undergo so many more alterations before it passes, that I will not trouble your Grace with

guesses about them. It is sufficient to say whatever he does must be *ex gratia*, for every sort of opposition is reduced to nothing, and, what is not often Fox's case, his skill lessens every day with his numbers." I have studied the India Bill, and could have spoken on it, but thought I should not do service to the cause by doing so, and, indeed, the debate was confined to four or five principals, amongst whom Dundas, I think, made the greatest figure.

The Duchess of Rutland having a bet on the Westminster election, I have to acquaint her that it will not probably be decided these two years according to its present progress, but I understand from Townshend it costs Fox and Co. 300*l.* a week, and he has been considering about throwing up his defence from the impossibility of going on with the expense. Will you tell the Duchess I had my pocket picked of a purse she presented to me. I had two men committed for it to Newgate a month or six weeks, but as Sir Sampson Wright told me I could only hang the men without recovering the purse, I did not appear to prosecute, and as I thought I could best please her Grace by such a step, they were, I suppose, discharged. I have now to request her Grace to put me on the list for another purse when her hands are disengaged of a sceptre; and if it does not happen these six years, I hope you will by that time send me to India or Africa, or somewhere else, to fill it.

[The Duke of Rutland] to the Earl of Hillsborough.

[1784, July.]—I am sure you will do me the justice to believe I have been most anxious to devise some mode of overcoming the obstacles in the way of the entire gratification of your wishes for the vacant collectorship of Newry. But the impediments seem, upon reflection, insurmountable: and I fear I cannot venture to adopt the propositions which you suggest as a scheme of evasive compliance with the resolutions of the House of Commons.

I need not remind you of the circumstances under which it was deemed expedient to accede to several of the motions made by Mr. Grattan, "and the successful resistance maintained against one of them, which would chiefly have entrenched upon the prerogative and privilege of the Crown. I am afraid that no favorable change in the situation of affairs has happened to justify the risk of incurring a serious complaint in the House of a departure from those very principles to which the consent and approbation of my Government was so unequivocally given." You are "well aware of the necessity under which I am placed of keeping well with the House of Commons, as the chief barrier at present to the inroads of sedition, and the great guardian of the mutual interests and connections of His Majesty's kingdoms.

"Forced as I am into a sort of warfare against the violence of popular attack, I must not throw away the best weapon I have," and I must think it "incumbent upon me to make at least the tryal of succession according to the best arrangement I can form. The *direct breach* of the adopted resolution would not fail to be urged against us either by the mover or by his vigilant opponents. The defence would be difficult in either case, and might facilitate the success of a second endeavour to carry the most offensive proposition, which we before had influence to reject. *Any discernible attempt to evade* the real spirit of the resolution would subject us not only to a similar charge from our opponents, but to the imputation of weakness from our friends."

I had always destined the succession of Newry to your recommendation, and I still offer it to you if you can propose any practicable plan which is satisfactory to you. *Draft* [*by T. Orde*].

The Duke of Rutland to [the Earl of Mornington?].

1784, July. Dublin Castle.—"I feel myself particularly anxious to rescue my Government from the imputation of having broken its faith with a man" like yourself, to whose interest I feel drawn by stronger motives than are derived from a mere political connexion.

In our last conversation I told you "that no none stood in competition with you for the support and favor of Government. Had I conceived the Post Office to have been an object, I should not have hesitated a moment about its disposal, and no view of extending and enlarging the foundation of my administration would have weighed a feather with me."

It must certainly "be a point of consequence with Government to create offices which may increase its patronage and extend its powers, but I am sure your Lordship's good sense and candor must confess that a congenial moment must be seized for the adoption of such a measure." *Draft.*

Daniel Pulteney to the Duke [of Rutland].

[1784,] July 21. St. James' Square.—Every kind of opposition is now so entirely defeated, that it is useless to mention the numbers on any division. We had one indeed to day in a committee, where the tellers, in a joke, mistook twenty or thirty without any other comment than a laugh from the House.

Mr. McNamara, who is member for Leicester, entertained us with a curious description of one Handy Pemberton, who was mentioned as having begun a riot against your Grace at the Play House. It seems this Pemberton, a sort of buffoon and idiot, was of the same college with Mr. McNamara, who completely explained his character. But in fact, the affairs of Ireland are so misrepresented in the papers that nobody gives any sort of credit to any news under such a title.

Lord Sydney to the Duke [of Rutland].

1784, July 22. Whitehall.—"Our session is drawing towards a conclusion through every possible *chicane* and *petite guerre*. Mr. Pitt does incomparably. The enemy's ranks are thin, but there is great virulence in those who remain. The great independent patriots, Eden, Sheridan, Beauchamp, and even old Wellbore Ellis, still continue to harass. Our House is perfectly quiet, though as we are to have an address upon the arrears of the Civil List to morrow, I do not despair of a debate. I wish your subjects would understand the advantages they have acquired and endeavour to turn them to profit, and not grasp after nonsense which will be their ruin if they attain it." *Marked* "Secret and separate."

W. N. M[iles] to Sir Edward Newenham.

1784, July 22. Seraing.—I wrote to you the 20th instant, inclosing two letters signed "Neptune." I have now sent you the third "Neptune." Do not delay giving me your full opinion on them. I feel hurt by the neglect of Ministers; the more so since I have been told that Lord Temple gave a place of 800*l.* a year to Mr. Doyle. This was told me last night by a Mr. Purcel, to whom my *excessive* love of Ireland led me to be very civil, and who has behaved with equal rudeness and ingratitude.

If I can contrive to take my daughter to Paris in the winter, you will much oblige by giving us a letter of introduction. "I am not a man

of gaity, you know, neither do I love the unmeaning bustle of routs and card assemblies. Introduce me as the philosopher and hermit, and not as the man of *ton*." Write soon, and write to Mr. Pitt. *Copy, marked* "Secret."

The Duke of Rutland to William Pitt.

1784, July 24. Dublin Castle.—*Copy, marked* "Secret and confidential." [*Correspondence, p.* 24.]

Daniel Pulteney to the Duke [of Rutland].

[1784,] July 27. St. James' Square.—The Indian Bill was received and read through with the amendments at 1 o'clock this morning in a very full House, where Fox did not think fit to attend. I did not, indeed, ever see thirty of the Opposition in their places. I should think neither Lord Cornwallis nor any great man will ever go out Commander-in-Chief, being subject to disclose on oath every part of their public and private fortune, which is likewise subject to restraint for three years after their return, or at least is so threatened as to make it impossible for any man who has been in India to conduct any sale or purchase of property without evasion. But as it is Sutton's business and mine to approve the Bill throughout, I fear it is mutinous to make any observations on this voluminous code.

Lord Chatham told me yesterday that there was no foundation for the report of your wishing to be re-called, and that this report was spread by the enemies of the Government in Ireland and here. We have *credible* accounts of French money being distributed in Ireland to foment disturbances there, but there is only one embarrassment apprehended here, namely, the admission or non-admission of Catholics to any pretensions they have been encouraged to form. Amongst the new substituted taxes is an additional tax on racehorses of one guinea per annum and 5*l.* on every winner. According to what I read in a newspaper, it is the most ridiculous ever drawn up, and will not produce a shilling at Newmarket. Lord Chatham, however, says it is not so absurd as the papers describe, and that he will speak to his brother about it, which I wish he may do to avoid the ridicule and resentment of the "jockies."

Postscript.—Nothing passed to-day worth repeating. I left Panton and two or three other jockies at the House attacking Lord Chatham on the jockey tax. I find they sent a deputation yesterday to Pitt, consisting of Lord Egremont, the Duke of Queensberry, and Lord Grosvenor, who told him that if he meant to suppress racing they must acquiesce, but that this Bill would certainly effect that object, and none of them ever meant to have anything more to do with horses if it was not altered; that they did not mean to evade the tax, but to put it to him whether he did it through want of information or whether he really meant to suppress racing entirely. I hear from Panton that Pitt behaved very sensibly and properly on the occasion.

I know the Jockey Club is entirely in earnest to give up racing altogether if the present Act of ten per cent. is not amended.

Lord Sydney to the Duke [of Rutland].

1784, July 28. Whitehall.—"I immediately communicated with Mr. Pitt on the receipt of your letter of the 23rd." We agreed "that its contents should be sent to the King, and likewise laid before the Cabinet."

It seemed to be "the general opinion that such steps should be taken by your Grace as might put it into your power to proceed against the Bishop of Derry, whenever the time comes that you can do it with effect. The paper is of the most flagitious kind," but as yet it is only the publication of a Belfast newswriter. By what you mention "of endeavours having been used in the time of your predecessor to fix publications of this kind upon the Bishop of Derry, and of their having proved ineffectual, it looks as if his Lordship chose to shelter himself and to put the printer between him and danger, though certainly, from the tenor of his general conduct," it would be "natural to suppose that he was ready to avow himself the author."

I understand that nothing can be done until next term; in the meantime you will consider fully the steps to be taken.

"No Government can long subsist upon which such attacks are made with impunity. Your Grace must be best able to judge of the temper of the people of Ireland and of the probable effect of the prosecution of this mischievous madman; whether the punishing of him is likely to deter others from following his example or to imitate them, and in what light the country in general will view such a proceeding. I am sorry to write in a style which seems to be balancing between two opinions and deciding upon neither, but the temper of Ireland seems to form the essence of the question, and of that it is hardly possible to judge at a distance. The British Parliament can have nothing to do with this business at present."

Mr. Pitt writes to you by this messenger, which is a great satisfaction to me, as he will fully explain the sentiments of the Cabinet as well as his own upon this very disagreeable subject. "I have not patience when I think of the advantages which these people are throwing away in the pursuit of what will weaken and distress them if they obtain their end." *Marked* "Secret and separate."

* William Pitt to the Duke of Rutland.

1784, July 28, Wednesday. Downing Street.—[*Correspondence, p.* 28.]

Daniel Pulteney to the Duke [of Rutland].

[1784,] July 31. St. James' Square.—I shall have now little to trouble you with before the end of the Session. The racehorse tax, which, by a meeting of the jockeys, was agreed to break up racing, is now quite altered. Pitt has, however, disgusted by a great want of politeness the people who waited on him about it. "In mentioning his conduct at a jockey meeting, Vernon told me the Duke of Grafton declared they could expect nothing otherwise from such a young man." I foresee things will not go so smoothly next year as at present, for in a division yesterday not forty of those who voted came in consequence of Treasury letters. Except Rose and Stevens, there is hardly one man of any service either in the Treasury or the Admiralty. By conversation with Jervis I find he is very slack, and I suspect that is the case with all Lord Shelburne's friends. There are likewise murmurs about the inordinate power and patronage of the Duke of Richmond. The abominable character of the coalition, however, is still our protection, though I find Lord J. Cavendish is coming in immediately to take the lead amongst them. "Walking to-day in the streets with a person of the Duke of Chartres' acquaintance, we met him and heard his account of his flight, which your Grace has read in the papers, and of which you probably doubted the truth. There is a large balloon made here, which,

however, is not to be sent off this month, and the man says one of the people who is to go up in it is a Mr. Biggen, who was of Trinity College, Cambridge."

JOHN MANNERS to the DUKE [OF RUTLAND].

1784, August 5. Pall Mall.—Reminding the Duke of his letter (of 28th June) which has not been answered.

THOMAS ORDE to the DUKE [OF RUTLAND].

[1784,] August 5, Thursday.—Let me remind you to answer the Archbishop of Dublin's invitation. "I have taken the liberty of remaining this bad day in the country, but I must entreat your Grace to consider and decide upon the conduct respecting the late unfortunate disturbance. Your Grace will particularly be aware of the bad consequence of delay, and of the risk of an application to you to do that which should only be done voluntarily. I dare not say more, for I feel as your Grace does about it, but I must not restrain my feeling and anxiety for the safety and success of your Grace's Government."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1784,] August 5. St. James' Square.—Mortlock's Bank at Cambridge is broke. The affair of the Navy Bills comes on to-morrow; when, if any opportunity occurs, I must *conscientiously* oppose your interest in favour of Pitt's Regulation. On this I fancy I shall venture to speak, though I see the newspapers to-day have made me a speech, when I was not in the House for the first time this Parliament, without my having any trouble on the occasion. "I breakfasted this morning with Lord Chatham, who is I believe more in rebellion with Pitt than I am, for he declared his brother's ideas on the racehorses were only fit to humbug an old woman, and that he would have both spoken and voted against him" in the House of Lords. We are all much satisfied with the accounts from Ireland; and I hear you are to receive the gold snuff-box from Dublin, which is here thought well merited.

LORD SYDNEY to the DUKE [OF RUTLAND].

1784, August 6. Whitehall.—I have reliable information that "within these last three weeks ten officers belonging to the Irish Brigade have obtained leave of absence from the Court of France; that five of them are already gone over to Ireland with an intention to serve in the volunteer corps, and that two officers have already entered."

I hope the disturbances in Dublin have subsided. They have been very much magnified here.

Poor Du Roveray wishes a recommendation to you; his present object seems to be a professorship of Civil Law. "I think that a mixture of foreign and polite literature might be of great use to Ireland, and, between friends, Ireland is not the only country which might receive very considerable benefit from such an addition to the general plan of education." *Marked* "Secret and separate."

SIR J. BLAQUIERE to the DUKE [OF RUTLAND].

1784, August 7. Port Leman.—The governors of this county infirmary return thanks for your liberal donation. This, as well as the entertainment you gave at Swimming Island, has made the Lord Lieutenant very popular here. We were much honoured by your visit at this cabin.

* William Pitt to the Duke of Rutland.

1784, August 9. Putney Heath.—[*Correspondence, p.* 32.]

C. Duchess of Marlborough to the Duke [of Rutland].

1784, August 11. Blenheim.—Applying on behalf of Mdme. de Laval in regard to a pension.

Lord Sydney to the Duke [of Rutland].

1784, August 12. Whitehall.—I am concerned at this foolish affray in Dublin owing to the imprudence of some young military men. You will doubtless mark your disapprobation in case any of your establishment were concerned.

It has been suggested that the ports of Waterford, Cork, and Kinsale, should be watched for foreign correspondence,—if you can find proper persons to whom you may with safety depute sufficient power to examine letters and packets. I am sensible it is a delicate subject, and am throwing out hints of which it may be difficult to take advantage.

The King consents to Lord Cliefden and Mr. Ponsonby being made Privy Councillors, likewise to Mr. Skeffington succeeding to Mr. Conway. "This latter business savours of purchase, and therefore is not quite relished, but it is agreed to."

Our parliamentary campaign is nearly over; it has been quiet in the Lords, though most fatiguing in the Commons. Pitt has gained the greatest possible credit, and, notwithstanding his extraordinary exertions, his health has not suffered. *Marked* "Secret and separate."

Daniel Pulteney to the Duke of Rutland.

[1784,] August 13. St. James' Square.—The papers are so full of lies about Ireland that one does not know what to believe; but I see it stated that you are returned from the country to Dublin. Parliament will be prorogued some day next week. I am afraid from the hasty manner in which everything has passed there will be much to revise next year. On the Navy Bills Mr. Pitt was certainly overruled somewhere. I should guess it was the Chancellor's opinion Pitt should recede, which he did with a very ill grace, after proving in a very good speech that he ought to have adhered to his first plan, "and that he had given way to clamor and not to reason, and this was certainly the case. I happened to be sitting behind him in the House, and really think, from the disapprobation shewn by several near me, it would have been easy to beat both the Minister and the minority, for which purpose Sir J. Johnstone, a wrong-headed man, proposed to Jenkinson in my hearing to oppose *Mr. Pitt and his concessions*, and he would have been well supported, but Jenkinson declined it. It is the language very much at present among some of Pitt's country supporters in the House, that he is too full of *concession*, and there is a sort of jealousy against his East India friends, which I think may possibly break out next year."

"Another jealousy too may break out if Dundas is not a little checked relative to the Scotch, for whom everything is claimed and granted without debate."

"If jealousy is the surest sign of love, Pitt is certainly loved enough by his party, and it will require no great address to prevent any of its fatal effects. There is but one thing—except any accident should happen to

the King—that seems at present capable of endangering the Ministry, which is Lord S——'s being brought into any place where he can be credited to be prime minister, for if it was only to shew how injurious all reflections are that are cast on that *honorable* House, they certainly will always have the *real* minister a commoner, or be dissolved every year in attempting to keep such a *valuable* companion amongst them."

"Some place might perhaps be obtained for [G.] Sutton in which I could act as his deputy, and not subject your Grace to the expense of a re-election." The Duke of Richmond "carries all his most enormous ordnance jobs."

The English balloons are attempting in vain to imitate their volatile neighbours, but they are confident the next will succeed.

The Duke of Rutland to Lord [Sydney].

1784, August. Phœnix Park.—"I have directed every necessary precaution to counteract the effects which those facts contained in your letter [of 6th] might produce. I have made every enquiry concerning those officers belonging to the Irish Brigade whom you describe to have arrived in Ireland," but as yet with little result. I shall give orders for persons to be procured and stationed at the ports of Cork, Kinsale, and Waterford, but you will see the extreme difficulty of finding fit persons for this duty. "Since I had written thus far, I have discovered a channel by which I hope to get to the bottom of all the plots and machinations which are contriving in this city. As I always suspected, the disturbances which have agitated this country have all originated their source from French influence. There is a meeting in which two men of the name of Napper Tandy, and another called John, together with others who are stiled free citizens, assemble. They drink the French King on their knees, and their declared purpose is a separation from England, and the establishment of the Roman Catholick religion. At these meetings an avowed French agent constantly attends, who is no other than the person in whose favor the F[rench] ambassador desired Lord C—— to give me a formal introduction. All that I have heard further of him is that he is the same person who, previous to the year 1745, was sent over to Scotland to try the disposition of the Scotch to rebellion. His name is at present out of my head, but Lord Carmarthen will probably recollect it. One of this meeting, alarmed at the dangerous extent of these schemes, has confessed, and has engaged to discover to me the whole intentions of this profligate, abandoned, unprincipled crew. In other respects I am glad to find a strong disposition among the respectable part of this metropolis to mark these seditious proceedings with the most decisive indignation. Two parishes have come to very strong resolutions that, in consequence of the tumultuous conduct of the manufacturers, they release themselves from their agreement not to wear English manufacture. The first signature to one of the resolutions is the Duke of Leinster." *Draft, marked* "Most secret and confidential."

The Duke of Rutland to William Pitt.

1784, August 15. Phœnix Park.—*Draft, marked* "Most private." [*Correspondence, p.* 36.]

Daniel Pulteney to the Duke of Rutland.

[1784,] August 20, Friday.—"His Majesty has this day dismissed us with the enclosed, which perhaps your Grace will receive in manuscript,

but which it can be no great impropriety to send as soon as I believe it can be received in print.

"I am sorry to say, that in talking with Pitt yesterday relative to his being shot at, he did not extend the conversation to some reciprocity of wishing joy. He told me the window through which the man fired was not wider than his body, and, of course, that the ball must have ascended in a very odd direction to miss him. They filled the House yesterday with all the minority in town, and brought the Duke of Portland, Lord Loughbro', &c., under the gallery, to hear a very dull debate indeed, *de lanâ Caprinâ*, and though they had intended to divide, they did not dare to do it. I can only venture to say respecting your Grace's situation in Ireland, that you are the only Minister in any sort of difficulty or inconvenience, for excepting playing at marbles, everything that shows ease and security passes every day on the Treasury bench; and, from what I have seen, the Chancellor is just as much at his ease in the House of Lords. With regard to your Grace's government, it is from Ireland alone the minority have any hopes of some new confusions. Lord G. Gordon has attacked your Grace's condition in some petition I have seen, but I believe there is nothing the minority would like so well as your Grace's return, and certainly no man in England is capable of satisfying the wish, if they are to be satisfied at all, with a mild English Government."

LORD SYDNEY to the DUKE [OF RUTLAND].

1784, August 20. Whitehall.—I hope the recess will afford us the opportunity of settling the essential points between Great Britain and Ireland. We shall on this side enter into the business with a spirit of fairness and equity. I hope there will be a corresponding disposition in Ireland. This unlucky affray has, I believe, been much exaggerated here.

I have seen Lord Hillsborough, who is returning to you. He seems in the best disposition to support English government in Ireland, but exercises his own judgment as to the manner of conducting public affairs in a style that does not denote perfect satisfaction. *Marked* "Secret and separate."

FREDERICK TRENCH to the DUKE [OF RUTLAND].

1784, August 21.—Concerning Mr. Browne's designs for Belvoir Castle.

The EARL OF SHELBURNE to the DUKE [OF RUTLAND].

1784, August 23. Seaford.—Recommending Monsieur Bombelles, formerly minister from the French Court to Ratisbon, who is going to Scotland and Ireland.

LORD HOOD to the DUKE [OF RUTLAND].

1784, August 24. London.—"I am unable to express what I feel for the very great honor your Grace has done me, by the commands you so obligingly left with Mr. Hill, for sending me the portrait of your late most dearly and justly beloved brother. Your Grace could not have made me a more acceptable present, or one I could prize with such enthusiastic warmth of veneration and esteem, for I not only loved

and respected Lord Robert Manners, but must lament his loss as a very heavy public one, and honor and revere his memory as long as I live.

"I beg to avail myself of this opportunity of offering my most grateful acknowledgements for the honour your Grace has conferred upon the Rev. Mr. George, and I hope and trust you found him, and that he will invariably prove himself, a very respectable man, and worthy your Grace's protection and favour.

"After having been confined here from the dissolution of Parliament to this day, in the most arduous and unpleasant business I ever took in hand, I am now about to retreat to my little farm at Catherington, near Petersfield, Hampshire."

Earl Temple to the Duke [of Rutland].

1784, August 25. Gorfield.—"I live too little in the political world to know the situation of Ireland, or to hazard a conjecture upon the varieties of opinions which are prevalent upon the apparent ferment in that kingdom; but with the most eager interest in the union of both countries, and with the particular and warm regard which I feel for the credit of your Government, there would be an affectation in a total silence upon that interesting subject. Your Grace has now seen enough of that kingdom to have taken your opinion upon your line of government. I do not doubt but that you have well weighed your line, and, whatever that may be, it is not sufficient for you to decide to persist in it, but it is indispensible to convince your friends, as well as enemies, that you mean to abide by it. The moment seems critical and requires great prudence, temper, and decision, and, above all, every exertion to secure the absolute confidence of those who are to fight the political battle under your standard. You will, my dear Lord, excuse this general outline, which is suggested to me, as a stander by, from the events such as I can collect them. As to the detail, even if you would admit the discussion of it, I have neither the materials, nor indeed the inclination upon so great a stake, to enter into it. Thus far I must observe that both Parliaments have risen, leaving undone much of what materially presses. Your Grace stands pledged to Ireland for a solid and systematick commercial arrangement; *that pledge must be redeemed*, or I need not say that *actum est*."

The Earl of Tyrone to the Duke [of Rutland].

1784, August 29. Curraghmore.—I regret that your promised visit has been prevented owing to the situation of affairs. I am glad to be able to assure you that everything is perfectly quiet in this county, and that in the neighbouring ones, notwithstanding the noise a few active people may make, the general sense of the country does not approve the present spirit of innovation.

Le Marquis de Bombelles to the Duke [of Rutland].

[1784, August or September.]—Complimentary letter of leave-taking. *French.*

The Duke of Rutland to Lord Sydney.

1784, September 2. Phœnix Park.—I should suggest that those regiments on the Irish establishment which are ordered to serve abroad

might be recruited from Ireland, as Irish recruits are always found to make good troops on foreign service, which, from their propensity to desert at home, cannot be said of them in Ireland. Things look more tranquil here. The printer of the *Volunteers' Journal* has been seized for high treason. "I have but very little doubt of his conviction, which will give a more effectual check to the licentious spirit of the press than even that masterpiece of *despotism and tyranny* for which my *administration has been so justly condemned, 'the Bill to secure the liberty of the press.'*" *Draft.*

The Earl of Shannon to the Duke [of Rutland].

1784, September 3. Castlemartyr.—I am much concerned at the disgrace of this country from the disturbers of the peace. I read with particular satisfaction in the public papers your answer to the seditious address of the county of Dublin. We much regret being disappointed of seeing you here.

Lord Sydney to the Duke [of Rutland].

1784, September 4. Whitehall.—I was not very much surprised at the accident which happened at the punishment of Dignam. "I have always understood that pelting the soldiers by the mob, and firing upon them in return, were events much more frequent in Dublin than in London." *Marked*, "Secret and separate."

The Earl of Mornington to the Duke [of Rutland].

1784, September 5. Merrion Square.—Concerning the signatures of the Meath address, arguing that they are sufficiently authenticated for the purpose of presenting the address to the King, and urging that time ought not to be lost in the discussion of the subject.

The Earl of Hillsborough to the Duke [of Rutland].

1784, September 7. Hillsborough.—Acknowledging the receipt of a letter.

The Earl of Kenmare to the Duke [of Rutland].

1784, September 9. Killarney.—I regret that, being detained in Dublin by these disgraceful riots, you are unable to visit this district, where I think your tour would convince you that this spirit of faction and insolence is confined to the walls of the metropolis.

The Duke of Rutland to William Pitt.

1784, September 13. Phœnix Park.—I congratulate you on the very successful conclusion of your session, and I am glad to see that you are at Brighthelmstone. Lord Mornington is arrived here, but without having seen my letters to you in which I discussed his claims. The language he holds is, I am sorry to say, so intemperate, and his general discourse so hostile to Government, that should this continue, it must preclude him from any favours which it may be in my power and inclination to bestow. He states engagements to which I am a stranger, and which must have been made to him by Lord Temple; and at the

same time he claims merit for disinterestedness in coming forward to support Government without terms. "To purchase the office of Master of the Rolls and to render it an efficient one cannot be a negative measure, but the terms which alone would induce the Provost to quit the office of Secretary of State and Privy Seal are so exorbitant that the scheme is absolutely impracticable. If this measure was to be adopted in any shape, it should be done upon an extensive system, that is, to place responsible persons in the House of Peers, for which situations there are many candidates, such as the Duke of Leinster, Lord Hilsborough, etc., and therefore a President of the Council, etc., etc., should at the same time be created. I go into this detail that you may see the variety of my difficulties and embarrassments towards the accomplishment of Lord M[ornington]'s objects. He cannot wait for Parliament to oppose, but he even now insinuates in private conversation charges of negligence and inactivity against my government. . . . . At the same time I still wish to serve him, and I think him upon the whole a young man of so much merit and worth, with fine parts, that he will still stand the forwardest of any for office, provided his intemperance in the meanwhile should not render the breach between him and Government irreparable. But I am in hopes he will return to reason." He is violent against Mr. Orde, but without a shadow of foundation.

"We have for some time past been in a state of apparent tranquillity. . . . . But though the flame is at present smothered, I cannot consider it entirely extinguished. . . . . I could have wished that the crisis had not been postponed, provided your strength in England could have given me a vigorous support. . . . . I am convinced it can never be a difficult conjuncture to manage. The efficient strength of the country is so decided against this intemperate faction. The seeds of dissention by Lord Charlemont's address have been so compleately sowed between the Catholicks and Presbyterians, that the power of both those parties is much diminished. All which must of course tend to facilitate my situation and to frustrate the evil views of these unprincipled incendiaries. But, at the same time, I am still persuaded that without the operation of force disturbances will from time to time be reiterated, whenever a discontented demagogue may choose to work upon the rage of the mob, or a visionary politician shall think fit to *speculate on the constitution*. Much wicked pains have been taken to possess the misguided Papists with a notion that perseverance will obtain them the right of suffrage, and though the better part of their body are decidedly against the attempt and are perfectly satisfied with, and grateful for, the priviledges which they enjoy under the present constitution, yet the lower and more numerous description of them still retain their wild and impracticable ideas. I hope during the course of this recess you will give your serious attention to all the unadjusted points of commercial regulation which require to be finally established between the two countries, and [ ] that you will not omit the consideration [ ] extend [ ] a system of pol[ ]ment of Ireland, that I may be delivered from the wretched and disgraceful task of governing from day to day by temporizing and expedients. Whatever may arise, I have not the smallest apprehension about consequences. Government here, well supported by Government in England, would be able to crush any disturbance or insurrection, call it what name you will, to atoms; and perhaps till some violent contingency shall have occurred, permanent tranquillity and useful connexion with Great Britain will never be fairly established in Ireland. We have been about and about the discovery of plots without being able wholly to unravel them, and to procure that direct and specifick proof which

would justify us in proceeding in a decisive manner with the authors. All our information agrees that Sir Edward Newenham is the centre of these machinations and that he holds foreign correspondence. *Your friend* the Bishop of Derry has had his baggage packed for these last three weeks, with a view of departing for the continent; but his mind is so vol[at]ile that it is impossible to say where he will go. He has turned his son, Lord Harvey, out of his house *for a Tory;* and a party of officers — among whom was my first *aid-de-camp*, Colonel Dundas—lately dined with him, when his whole language was such compleat treason that they were reduced to the alternative of flinging a bottle at his head or of quitting his company, the latter of which they preferred. If he continues in this country to act as he has hitherto done, it will be impossible to avoid impeaching him next session. Tomorrow the city of Dublin will meet by a *summons* from the sheriffs for the purpose of *returning* delegates to the National Convention. But I am in great hopes that, even in this factious place, this meeting will afford a triumph to Government." *Partly draft, partly press copy.*

The Earl of Hillsborough to the Duke [of Rutland].

1784, September 15. Hillsborough.—I ventured to propose two modes for your conduct on the "ill-judged resolution of the House of Commons" relating to the appointment of collectors. I now propose a third, which is to postpone the filling up of Lisburne and Newry until after the meeting of Parliament, when we shall see the course things will take. This I urge very strongly, otherwise my influence here will receive a severe blow, and I shall not be able to maintain the quiet which I have effected in this district at infinite pains and trouble. I beg your Grace to believe that my advice is founded upon the most impartial public principles.

R. Tickell to the Duke [of Rutland].

1784, September 16. Stamp Office.—Thanking him for a favour.

Lord Sydney to the Duke [of Rutland].

1784, September 16. Whitehall.—I have to acknowledge yours of 26th. We trust the punishment of the printer will follow his commitment. Those coming from Ireland think better of the aspect of affairs. All agree in the necessity of watching the machinations of foreigners and Roman Catholics. My official letter informs you of the King's approval of your appointment of the inspector of recruits. Mr. Orde will be informed of what we have learned upon some of the secret subjects, and of the train we have laid for learning more. *Marked* "Secret and separate."

Earl Temple to the Duke [of Rutland].

1784, September 18. Gosfield.—Let me remind you of my *protegé*, Dr. Butler, whom at my recommendation you put on your list of chaplains, and suggest that as Dr. Ekins does not take the Bishopric of Killala, you may make an appointment to that post which will open some Irish preferment suitable for my poor friend.

The Earl of Hillsborough to the Duke [of Rutland].

1784, September 19. Hillsborough.—I am extremely mortified at the arrangement of Revenue promotions which you have sent me as in contemplation. But I still await your answer to my letter of 16th, asking that the disposal of the Lisburne and Newry collection may be postponed till after the meeting of the Parliament.

Lord Thurlow to the Duke [of Rutland].

1784, September 20. Trentham.—Acknowledging a letter of recommendation, and congratulating the Duke on the prospect of restoring order.

The Duke of Rutland to Lord Sydney.

1784, September 21. Dublin Castle.—My official despatch will give you a full account of the proceedings of the meeting called by the sheriffs of the city of Dublin for appointing delegates to the National Congress. I trust His Majesty will approve of the steps which I directed the Attorney-General to take in order to anticipate the seditious views for which that assembly was called. Affairs in this country look more tranquil, but I consider this rather as a suspension of the factious spirit of those who wish for confusion than as a total dereliction of mischievous principle. Whenever the storm arises I shall be prepared, and I am in no apprehension for the consequences. *Draft.*

The Earl of Belvedere to the Duke [of Rutland].

1784, September 21. Swandlingbor.—I shall, immediately on my return to Westmeath, endeavour to obtain a public declaration in the sense you suggest, namely, of support to the King and his Government against unconstitutional agitation.

John Manners to the Duke [of Rutland].

1784, September 21. The Grange.—Acknowledging a letter from the Duke, which intimated that had any Englishmen been promoted to Irish peerages, the writer would have been approved, and asking to be kept in mind if such an event should hereafter take place.

Sir Joshua Reynolds to the Duke [of Rutland].

1784, September 24. London.—"I beg leave to return my most sincere thanks for the kind letter which I had the honour of receiving yesterday, and particularly to thank your Grace for your good intention towards my nephew. I am very sensible that even in your high situation you cannot always serve those whom you most wish to serve, but I was so thoroughly persuaded of your Grace's good inclinations, that though I have solicited every Lord Lieutenant that has gone to Ireland, I have not said anything to your Grace, from a certain confidence that when an opportunity offered my nephew would not be forgot.

"Your Grace's picture is finished, and I will immediately make the alteration required in Lord Chatham's picture, and send them both to Belvoir Castle.

"I dined with Lady Lucan last Sunday, who told me of her intention of painting a picture for your Grace, but was undetermined what it should be. I shall call on her tomorrow to acquaint her with what your Grace wishes about the Protector Duke of Somerset's picture, which I should think would be the best thing for her to do. I question her success in an historical picture.

In regard to the Nativity, the falling off of the colour must be occasioned by the shaking in the carriage, but as it now is in a state of rest, it will remain as it is for ever; what it wants, I will next year go on purpose to mend it, and from Belvoir I should be glad to proceed to Ireland, but I heard yesterday from Mrs. Siddons such a sad account of the Liberty Boys, that I have hardly courage to venture. She came away in a terrible fright, and has not yet recovered herself.

"The place which I have the honour of holding, of the King's principal painter, is a place of not so much profit, and of near equal dignity with His Majesty's rat catcher. The salary is 38*l.* per annum, and for every whole length I am to be paid 50*l.*, instead of 200*l.* which I have from everybody else. Your Grace sees that this new honour is not likely to elate me very much. I need not make any resolution to behave with the same familiarity as I used to with my old acquaintance."

Caroline, Duchess of Marlborough, to the Duke [of Rutland].

1784, September 25. Blenheim.—Thanking him for compliance with her request in favour of Mrs. de Laval.

The Duke of Rutland to the Earl of Hillsborough.

1714, September 25. Phœnix Lodge.—I am sincerely concerned that the arrangement which I communicated to you, in the hope of meeting your wishes, should have proved so little satisfactory. I assure you that I had no object more at heart than the practicable accommodation of your friends. The blame of the unsuccess of this endeavour, which you seem disposed to impute to other suggestions, must be shared by myself and Mr. Orde, who drew up the propositions under my direction. You must be aware that I could not depart from the resolutions of the House of Commons, which were passed with the knowledge, and without the disapprobation, of Government. I much regret that I cannot comply with your desire that the disposal of the Lisburne and Newry collections may be postponed until after the meeting of Parliament. I cannot propose to rescind a measure which had the concurrence of Government, and has not since proved impracticable. Besides, in the address moved at the close of the session, the Commons expressed their satisfaction in this regulation, and in my speech from the throne I complimented the House on this very resolution. I appeal to your own judgment as to the course which I am obliged to follow, out of mere consistency, and I must of course at the same time acknowledge myself at your mercy, for the conduct which brought us into this difficulty. I cannot be insensible to the charge which you think imputable to my administration for allowing such a measure to succeed, and thereby exposing the King's patronage in this kingdom to an improvident and dangerous abridgment. I acted from the idea of doing real service to the Revenue without any great diminution of the patronage of the Crown; and I am heartily sorry that its first operation should be to prevent the direct success of your nomination of Mr. Reilly and

Mr. Slade for these collectorships. I shall certainly—as you prefer this to the mode I had intended for indirectly benefiting Mr. Reilly—adopt your nomination of an unexceptionable gentleman to the collectorship of Newry; and I should be glad to hear from you upon this as soon as convenient, and also, by return, as to the scheme I had proposed for Lisburne and Larne. I should be not only very inattentive to your wishes, but careless of the interest of my Government, if I put into an avoidable risk the full strength of your credit and influence in your neighbourhood. *Draft.*

Lord Sydney to the Duke [of Rutland].

1784, September 26. Frognall.—I have no doubt of the King's approval of the steps you have taken for encountering the dangerous spirit of those who have promoted the meeting at Tholsel. Indeed, the tone of your Government has met with His Majesty's full approbation. I am glad to see the confidence with which you write of the probable end of the present critical situation. To have brought the affairs of Ireland to a happy settlement will be the most essential service that has been for many years rendered to the King and to his subjects. I am glad to see the spirit rising amongst the nobility and persons of property in Ireland. "Indeed, it behoves them to come forward, for it is extremely plain from the complexion of things that their ruin as individuals is aimed at as directly as that of the British Government and interest in Ireland."

I have lately had two conversations with the Primate upon the subject of Ireland. "He is clear that the Papists mean a separation of the two kingdoms and a Popish king. He is equally clear that the mad Presbyterians in the north will be the dupes of their own bad policy. He thinks that their madder leader, who is neither Papist nor Protestant, and therefore, on that score, the more fit to negotiate between them, ought not to pass unnoticed, and indeed that he cannot pass unnoticed, and *that the sooner he is dealt with according to law the better.*" His apprehension from the meeting of the delegates, a considerable time before the session of Parliament, arose from the same reason for which you prohibited the meeting at Dublin; "I mean the ideas which the common people might associate with the very title of the assembly, a *National Congress.*" The Primate mentioned a Popish committee, with Sir Patrick Bellew at their head, who disavowed Lord Kenmare's declaration, and asserted that they were the real heads of the Roman Catholics, "and declared that nothing less than a general participation of the rights of citizens would satisfy them. He likewise gave it as his own opinion that Sir Patrick spoke the sense of the bulk of the Roman Catholicks of Ireland."

"The Primate mentioned O'Leary to me as a dangerous man. He may be a tolerably good spy, he says, but you may be certain that if he is an equal one between both partys it is as much as you are to expect. He thought he might be used, but with some other spy upon him perhaps."

I find I have omitted to mention one opinion of the Primate's, namely, that any giving way upon the subject of Parliamentary Reform would be ruinous to the country. It would irritate the Roman Catholics if they were not included, which irritation is as much to be avoided as improper concession. "I need not add that he looked upon giving them votes as the certain overthrow of the present constitution, civil and religious."

I ought not to finish without one word on the subject of the Attorney-General, who has done his part with a spirit and ability which do him credit. *Marked* "Secret and separate."

The Duke of Devonshire to the Duke [of Rutland].

[1784?] October 4. Chatsworth.—Asking for deputations for certain manors round Chatsworth in order to prevent trespasses by poachers.

John Fitzgibbon, Attorney-General, to the Duke [of Rutland].

1784, October 6. Cashel.—I am gratified at your having mentioned me in such a way as to attract the King's notice. I hope in a few days to make my acknowledgments in person.

* William Pitt to the Duke of Rutland.

1784, October 7. Putney Heath.—[*Correspondence, p.* 41.]

* The Same to the Same.

[1784,] October 7. Downing Street.—[*Correspondence, p.* 46.]

The Duke of Rutland to Lord Sydney.

1784, October 7. Phœnix Park.—Thank you for your full and satisfactory letter of 26th ult. I am much gratified by the expression which you convey of His Majesty's approval. Affairs still look favourable. The metropolis is quiet; and the magistrates profess a determination of vigilance, zeal, and order. It must, however, be recollected that "the people are at rest *with arms in their hands*; and, until they are either *deprived* of those arms or hold them by a legal commission under the Crown, certain and permanent tranquillity will never be established."

Your conversation with the Primate has been very interesting. But I must apprise you that the Primate, with the utmost zeal for the good of the two kingdoms, is too apt to despond. His prejudices against the Roman Catholics increase his apprehensions, and though some of them may meditate the most dangerous designs, I can hardly persuade myself that the larger and better proportion of them do not abhor the dangerous plans meditated by some. My sentiments about the Bishop of Derry—who, I suppose, is alluded to under the title of the "madder leader who is neither Papist nor Protestant"—and the line to be pursued with him are well known to your Lordship. His conduct has indisputably rendered him a fit object to be dealt with by law. He is a sacrifice which none will regret, and might if necessary be made a striking example to the spirit and justice of Government, though little is to be apprehended from his endeavours at confusion. "His character is far even below contempt, and I am confident his influence would neither afford him the means, nor would his courage suffer him, to venture further than the talking treason over his claret.

"As for Sir Patrick Bellew, I believe he carries his ideas of mischief as far as any Catholick in Ireland. I have not as yet had occasion to name him to your Lordship, because as yet nothing specifick or direct against him has come to my knowledge. But you may be assured I have

not been inattentive to his motions. Should the Catholicks persevere in carrying their ideas to an improper extent, it might not be impolitick to suggest to them the possibility of repealing those Acts which were made in their favor." I am glad the Primate acquiesces in the propriety of postponing the meeting of Parliament to as late a day as is consistent with the common business of the country. This is, in every view, the best course. It will give time for the seditious spirit to subside; and it is absolutely necessary at the opening of the session to speak of the commercial regulations between the two countries as conclusively arranged. Should the negotiations on these points afterwards appear to be still open, nobody can answer for the consequences. You are, however, well aware how fatal it would be for the interests of the empire to have the Government of Ireland carried on any longer by *temporising expedients*, and *without a system*.

The Attorney-General has, indeed, merited the highest applause by his manly conduct. Much advantage is to be expected from his zeal, his ability, and his attachment to English Government.

"I have just heard that the new sheriffs of Dublin have this day in the most manly manner refused to convene a meeting of their bailiwick to elect delegates to the National Congress; and in consequence of this refusal, to-night's paper contains a request to the freemen and freeholders of the city of Dublin to meet for the above-mentioned purpose. This is signed by about fifteen names, with Sir Edward Newenham at their head." *Press copy*.

The Earl of Mansfield to the Duke [of Rutland].

1784, October 14. Kenwood.—As to that part of your letter "which relates to the present state of Ireland, every word you say is wise, honest, dignified, and every way worthy of you. I have had conversation upon the subject, not only with my old friend the Primate, but with several other persons well informed and well intentioned. It is feared that the danger is not foreseen by Government in its full extent, consequently sufficient care is not taken to provide against it. You have to steer between Scylla and Charibdis. If the old Irish Papists prevail, the country is lost and ruined in one way; if the new Modellers of Anarchy, miscalled Reform, should prevail, the country is equally lost in another way. Be assured the Papists have a serious scheme to avail themselves of the conjecture that they are now encouraged, and will hereafter be supported, by foreign powers. The crys of the popular frenzy—the self existence of Ireland, the usurpation of England for centurys—may in their mouths be colourable and specious, and naturally lead to the resumption of three-fourths of all the landed property of Ireland, though they sound ill from the English colonists who went from England to possess the estates of the vanquished. If Government takes either side, the contest is about the mode of losing the country, not the substance. He is a great statesman who can bring order out of confusion, and use jarring partys as the instruments of peace and good government. You cannot, upon principle, disband the Popish volunteers, without disbanding all; you cannot say seditious meetings of Papists to alter the constitution, are illegal, without extending the rules. If the terror of the Papists should bring people to their senses, the country may be yet saved a little longer. If the frenzy continues, the Papists, under the protection of France, will certainly seize the country, and they will be furnished with arguments to justify their taking all land forfeited for rebellion against England, a tyrant and an usurper. If the premises are true, their conclusion follows. You must

not ask either the English or Irish judges any question; they will not answer. There is no want of law to defend order and government against seditious combinations and open tendencys to violence, but unprincipled faction, and the vicissitude of administrations, hold an occasional language which confounds law and reason, and teaches the rabble to call bitter sweet and sweet bitter. If the jury is tainted and prejudiced, law or authority will be of little avail. There lies your tender part. Wise laws are not wanting to us, but we are wanting to ourselves in the execution."

"You are much in the right to despise being libelled for doing what is right. *Ego hoc animo semper fui*—but I have always listened to calumny so far as to examine whether it hits upon a sore place, and, if it does, to correct the thing immediately. The complaint the most general, and which hurts you the most, is drinking hard, and the irregularity of the hours of the Castle. Many are ready and able to advise you in great matters, but in such points as these two, which I think of the utmost importance to your conduct and fame, I am the only man who will venture to give you a hint. I beg you would ask Preston whether there is any foundation for this complaint, and how it is treated by impartial people, by your friends, and by your enemies. I beg my most respectful compliments to the Duchess upon everything except the irregularity of her hours."

Daniel Pulteney to the Duke [of Rutland].

[17]84, October 17. Moreton.—I wish you joy on having almost suppressed the delegates. This Lord Milton mentions on the best authority. He says that all the principal men of consequence are withdrawn from the associations; and that the *firmness* of your Government has given general encouragement to all the most respectable people of Ireland. On a late visit to Cambridge I found that there was no prospect of opposition to your views there.

"I really think if, on returning to town, I can't get any prospect of going to Calcutta, or some sort of employment at home, G. Sutton and myself shall be starved before the end of the winter, or sell ourselves to Fox for the sweepings of his faro table."

I fancy from the conversation of a person I met here that things are going quietly, "but he does not seem to believe that a certain person will act as at present longer than he is in fear. The first symptoms, however, I hope are at a great distance. It is easy, I think, to foresee what they will be—a preference of Lord T. to Pitt and a schism in the H[ouse] of C[ommons] headed by Jenkinson, Atkinson, Robinson, Johnstone perhaps, and the East India troops, which, however, I know would be as yet useless, and I should not even have ventured to write so much if I did not think I had heard some pretty good information."

"Your Grace is the principal supporter of the present Ministry."

Lord Sydney to the Duke [of Rutland].

1784, October 17. Frognall.—As to commercial arrangements, we have been for some time past expecting the arrival of some of your leading men to discuss them. We are naturally anxious to hear the result of the business of the 25th, whether there will be a meeting, and where it will be held, if at all. I trust that all persons of property in Ireland of all ranks see their own interests are involved in this dispute as much as the cause of Government. *Marked* "Most secret and separate."

Earl Temple to the Duke [of Rutland].

1784, October 18. Stowe.—Recommending Captain Fremantle for advancement.

The Marquess of Lothian to the Duke [of Rutland].

[1784,] October 20. London.—Your affectionate letter has given me cordial satisfaction. I have heard from my acquaintances in Ireland of your firmness and resolution when it has been necessary, and of your truly patriotic intentions to serve both countries. I trust you will not be too sanguine upon the present appearances of tranquillity, but be on your guard, for I fear Ireland is yet very unsettled.

I had yesterday, by accident, a long conversation with the King, who, I am confident, wishes you well. I told His Majesty that I might ask for a few weeks' absence to pay you a visit, to which he very kindly assented. So that, if my health permits, I hope to see you in Ireland. I had intentions of going over during the riots that happened in Dublin, but a delicacy about you prevailed with me not to go. Your situation has been a trying one, and I hope the worst is over. I had many acquaintances when in Ireland that I respect; amongst them are Lord Shannon, Bagenal, and Charlemont. The latter, I imagine, you do not hold much converse with. I think his answer to the address was of use to Government; and he is a very well-meaning man.

The Earl of Hillsborough to the Duke [of Rutland].

1784, October 21. Hillsborough.—I have been so ill as not to be able to answer you letter. I think I may promise a letter by next post, in which I shall propose a plan for the promotion to the Down collections, which will give you the opportunity of supporting me without infringing the resolutions.

The Same to the Same.

1784, October 23. Hillsborough.—Enclosing the proposal alluded to in the preceding letter. *Copy of proposal enclosed, headed* "Revenue arrangements," *with Lord Hillsborough's observations.*

Lord Sydney to the Duke [of Rutland].

1784, October 23. Whitehall.—I was glad to receive your dispatches conveying the vote of the Corporation of Dublin conferring the freedom upon your Grace. This is more honorable, after you have held government for a considerable time, than if it had been offered as a compliment of course, upon your arrival.

We hope the tide is turning, and that sensible persons in Ireland begin to see the necessity of co-operating with you for the attainment of a settled and permanent plan of government.

We have heard nothing further as to the disputes between the Emperor and the Dutch. The latter are in great alarm, and even the people of Amsterdam repent having trusted to the friendship and support of France. "Such will always be the fate of those who place their confidence in that perpetually intriguing and ambitious power; and I hope that those who have not yet exposed themselves to a state of dependence upon the French will reflect in time upon the

perspective which the present state of the United Provinces presents. I believe our late fellow subjects in America have as little to boast of the sincerity of the French as the Dutch have."

We are preparing to determine on a plan which may be offered as a final settlement of commercial points between Great Britain and Ireland. *Marked* "Secret and separate."

The Same to the Same.

1784, October 24. Whitehall.—In my last I omitted to say that Lord Westmeath has had an audience of the King, and has asked for a pension. He afterwards called on me. I acquainted him that the King's favours in Ireland must proceed through the channel of the Lord Lieutenant. I suppose you have heard from Lord Westmeath upon this subject by this time.

The Duke [of Rutland] to Lord Sydney.

1784, October 25.—Heads of secret dispatch. Account of the result of the meeting of Aggregate Body, in which they were defeated, given in last dispatch. The resolutions of the city in their last quarterly meeting, a contrast to the former, afford no bad specimen of the precipitancy and hasty transition of the people of Dublin from one extreme to the other, and justify the predictions of his Grace, and the firm and moderate principles displayed in the measures of his Government. Accounts of an armed association of Roman Catholics of fifty, each of which are to answer for five others. This, if real, is of the most dangerous tendency, and ought not only to be narrowly watched, but will be a reason for a more severe and rigorous animadversion of that sect in general. In regulating the commercial interests of Ireland and finally settling them, the liberal advantages afforded her by England ought to be compensated by wholesome regulations for the peace and good government of the kingdom, which can never be secured and established on a durable foundation while bodies of armed citizens set themselves above the laws of the realm. The best way of getting quit of these associations will be by a Militia Bill. The Congress, or rather a few unquiet spirits, undistinguished for the most part by their property, abilities, or character, have met in Dublin under the denomination of a congress. The result of their deliberations has not yet transpired, but they shall be narrowly watched, and when their object is more perfectly ascertained it shall be fully communicated. No notice has been taken of his Grace's application for their Majesties' pictures or of that in favour of General St. Leger. He wishes Lord Sydney would lay before Mr. Pitt Mrs. Moncton's case, who is in very narrow circumstances, and who had formerly applied for a pension. His Grace takes the opportunity of the present calm in order to amuse himself in hunting with Mr. Conolly.

Ct. O'Rourke to the Duke [of Rutland].

1784, November 1. Cary Street, Lincoln's Inn.—Thanking him for a letter, and stating his claims for the protection of the Ministry.

The Duke of Rutland to William Pitt.

1784, November 4.—*Draft.* [*Correspondence, p.* 47.]

* William Pitt to the Duke [of Rutland].

1784, November 4, Thursday night. Downing Street.—[*Correspondence, p.* 48.]

Lord Sydney to the Duke of Rutland.

1784, November 4. Whitehall.—I mentioned your two requests to the King. As to that for the pictures of his Majesty and the Queen to be placed in the state apartments in Dublin, directions have been given accordingly. As to a regiment for General St. Leger, His Majesty will certainly provide for him when a proper opportunity offers. But he naturally wishes to support seniority against favour.

His Majesty has determined to give the 5th regiment to General Stopford, who has been disappointed on previous occasions. His being a Major-General on the staff in Ireland has strengthened his claim; but it is not to be inferred that vacancies of regiments in Ireland are to be constantly filled from the Irish staff.

We are impatient to hear further of "the transactions of the assembly stiling themselves the National Congress." As their numbers are so small, and the known names among them so few, it is hoped their weight is in proportion. Your vigilance and firmness give the Ministry confidence that you will watch this assembly, and counteract any measures they may design detrimental to public welfare.

The Emperor's minister has left the Hague, and troops are marching into the Low Countries from the rest of the Austrian dominions. It is supposed that France has declined to assist the Dutch, *openly* at least. *Marked* "Secret and separate."

The Marquess of Lothian to the Duke [of Rutland].

1784, November 7.—I have had a letter from Lord Cornwallis which has given me infinite concern. I must insist on your not divulging the contents till you are more amply informed what reasons could induce the Cabinet to act so ungratefully and impolitickly.

Enclosed is a copy of a letter from Lord Cornwallis.

Lord Sydney to the Duke [of Rutland].

1784, November 10.—I transmit two applications which I have had in consequence of Major-General Stopford's promotion. I mentioned the subject to the King, who allowed me to mention them to you, but his orders are to recommend you to adhere to army rules, and the fair encouragement of old officers. General Stopford's obtaining the 5th regiment has occasioned some jealousy in the army, on the supposition that all vacancies of regiments in Ireland are to be filled up by the Lord Lieutenant. I have already mentioned the King's intention as to this.

"The Dutch minister was presented to-day. Lord George Gordon thought proper to attend him to the bottom of the stairs at St. James's, with another madman who styles himself Count Nassau. Lord George wore a blue and orange cockade and a Highland belt and broadsword, which he drew on Monsieur de Lynden's return from Court and saluted him with it. I am ashamed to mention this madman's nonsense." *Marked* "Secret and separate."

SIR GEORGE ROSE to the DUKE [OF RUTLAND].

1784, November 12. Duke Street, Westminster.—Concerning an appointment in the Excise.

[The DUKE OF RUTLAND] to the EARL OF HILLSBOROUGH.

[1784, *c.* November 12.]—Replying to his letter of October 23 concerning the vacant collectorships. *Draft.*

The DUKE OF RUTLAND to WILLIAM PITT.

1784, November 14. Phœnix Park.—"I sit down at length to consider your letter of the 7th of last month, which you may be assured I have not delayed answering from any inattention to the important objects which it discussed, but from an earnest desire of forming as compleat a body of information, and of revolving the contents in my own mind as attentively as possible before I ventured to return you a conclusive opinion.

"I do not pretend to speak with precision to the commercial points in question. But the two gentlemen from this country—Mr. Foster and Mr. Beresford—with whom you have conversed, are fully competent to enter into the most copious detail, and I am persuaded will do it with the utmost fairness, liberality, and candour. Your idea of obtaining a revenue from Ireland in return for the concession of a full equality of commerce I must confess to be, in my opinion, impracticable, inconsistent with the principles of true policy, and, I fear, would compleatly defeat the main object of your munificence, that of quieting faction and of constituting the foundations of a permanent good understanding between the two kingdoms. We *do* contribute by keeping you an army of 15,000 men, would be the immediate answer which Ireland would return to such a proposition; and at the same time, when you consider that the contribution would be immediate, and the advantages to be derived from the most extensive commercial participation could be but general and contingent, I think you will perceive the objections in the way of your idea to be insurmountable. The notion of a paltry revenue lost America to Great Britain, and if this bounty be accompanied by any stipulations in the light of traffic and a bargain, the seeds of unalterable animosity and discontent will be engendered, and Great Britain will be exclaimed against as a miserable usurer and an oppressive and rapacious tyrant. When you are therefore decided on the utmost extent you will be able to give in your compliances with the commercial views of Ireland, let them be conceded to her without reserve. She can never be an object of real jealousy. The natural habits of indolence and dissipation which are rooted in the breasts of all her people are ill calculated to improve advantages, and will ever restrain her from becoming a rival to Great Britain. But if she should by any possible means rise to be a rich and powerful nation, her prosperity and her wealth would ultimately prove an addition of strength to the Empire at large. Depend upon it, there is more magnanimity, wisdom, and even frugality in rendering Ireland opulent for the sake of England, as well as for her own happiness, than by any other mode of governing her; and Great Britain is more interested to fatten the Irish into voluptuousness and tranquillity than to starve them into exertion and rebellion. For while they have a pretence to murmur they will never become quiet. The question of a Parliamentary Reform, about which you appear more solicitous than I could have expected, is

indeed of a very delicate nature. Every point of view in which it presents itself only opens new scenes of difficulty and danger, and, in short, only leaves me but one opinion, that Government cannot embark in the measure without the risk of absolute ruin. To enquire of the advocates for reform what may be the extent of their wishes, or with what particular mode they will be contented, would be a fruitless investigation, for I am satisfied they will make up their minds to nothing. On my first arrival, I accidentally, indeed, discovered from Lord Charlemont that the specific plan which you brought forward as your scheme in the last Parliament would answer no beneficial end in this country, and to explore his opinion further would probably be ineffectual, and perhaps even be attended with some risk. But, in general, the extension of the elective franchise seems to be the favorite plan. But how can you, upon principle, increase the right of voting to some without extending the rule? If you admit the Catholicks to vote, your next Parliament will be composed of Papists; and should your reform only go to increase the number of Protestant voters to the exclusion of the Catholicks, I am convinced the latter would run into rebellion. Your character, your credit, your consistency cannot be impeached by avoiding to make an option of these difficulties, for the idea of a Parliamentary Reformation had not entered the breast of any Irishman at the time when you stated your plan to the last House of Commons, and indeed the local circumstances of the two countries place them on such different premises that you cannot put them together in an argument. In short, it would, in my opinion, be little less than lunacy for Government here to involve itself with a question of so dangerous a tendency. Leave it to be combated by its proper champions, by those who are on both sides interested in its fate. Let Government look quietly on, and by poizing the balance gain strength by the dispute; and let us not, from a principle of extravagant knight-errantry, volunteer ourselves into a dilemma where the choice can only be as to the mode of producing confusion, and not the substance. These are my unalterable sentiments on this subject as far as it relates to Ireland.

"Among other opinions, I applied more particularly to that of Lord Earlsfort, whom I have on all occasions found most zealously and personally attached to me, and consequently anxious for the success of your administration. He is totally independent, connected with no aristocracy, the proprietor of no borough, and interested alone in the welfare of English Government. I enclose you his letter, which, as it contains sentiments very freely stated, you will be so good as to keep among your most private papers, and return it to me when you shall have no further occasion for it. I communicate it for your use alone.

"I come now to the idea which I suggested in my last letter to Lord Sydney, of establishing a Protestant militia, accompanied by some vigorous and coercive step in relation to the volunteers. My notion is, that at the same time as you communicate participation of commercial advantages as a part of a great and conclusive system for the *final* settlement of this country, a militia should be constituted and an Act of Parliament passed rendering it high treason for bodies of men to assemble as volunteers, with arms, uniforms, accoutrements, &c., without a legal commission from Government. This is a loose sketch of my general idea. I need not press on your mind the impossibility of establishing any certain and permanent system of policy calculated to produce effective and vigorous measures, and to lay the foundation of necessary control and order, whilst an armed force unconnected with or independent of the State, and existing for the avowed purpose of intimidating the Legislature, is permitted to endure. It may be fairly

stated by England when concessions of commerce are made, We are willing to grant you the plenitude of your demands; but with whom are we to contract? With the Parliament of Ireland? Can the Parliament of Ireland ultimately decide? Or must the volunteer army become a party to confirm or negative the agreement? When final adjustments are therefore made, it becomes indispensable no longer to temporize with, but to be decisive in the suppression of these lawless combinations. A Protestant militia, accompanied by some acts of coercion such as I have alluded to above, appears to be the most direct and least obnoxious mode of accomplishing this essential purpose. At the same time I do not absolutely pledge myself to the success of the measure, nor can I answer for the flame which it may kindle. But if you are not deterred by the possible consequences, I will, at least, undertake to be prepared for them. No crisis can appear more favourable than the present. The moment is mature, and if now lost, will probably never be recovered. The terror of the Papists begins to operate, the Dissenters have caught the alarm, and these jarring partys may perhaps from jealousy become the instruments of peace and good government. Constituted as things therefore are, I trust the attempt will not be attended with any essential bad consequences. But whatever they may be, my opinion is that everything should be ventured, rather than this illegal and seditious combination should be permitted any longer to control and coerce the Legislature.

"I propose in a few days to send Mr. Orde to England to convey to you my further ideas which may occur, and to receive your final communication previous to the meeting of Parliament." *Marked* "Secret and confidential." *Press copy; also draft and fair copy draft of some parts of the letter.*

The Duke of Rutland to Lord [Sydney].

1784, November 15.—Public tranquillity seems thoroughly established. I have written by this post a long letter to Mr. Pitt as to the points which must be adjusted previously to the meeting of Parliament. I will ask you to acknowledge the King's gracious compliance with my request for the pictures for Dublin Castle.

I am so accustomed to be under obligations to you that when I wish to express emotions of *chagrin* I am at a loss for language; but I am so interested in the success of General St. Leger's pretensions to a regiment, and your last letter places them in such a distant point of view, that I am much mortified by the little influence which seems to be connected with my application.

I propose, in about ten days, to send Orde to England to have a full communication with the Cabinet previous to the ensuing session. *Press copy; also draft, incomplete. Marked* "Private."

The Earl of Hillsborough to the Duke [of Rutland].

1784, November 17. Hillsborough.—Concerning the vacant collectorships.

Lord Sydney to the Duke of Rutland.

1784, November 21. Whitehall.—It gave me real concern to find in your letter of 15th the word *chagrin*. No one can be more desirous

than I to second a request of yours; but on looking at the numbers of general officers on colonels' half-pay, I must admit the King's resolution of not hastily engaging for the next vacancy to be founded on a sense of justice to long and faithful service. Though I speak so explicitly, you may depend on my endeavours to support the interest of my friend General St. Leger when I see a favourable opportunity.

The King approves of Mr. Orde's coming over. I find from Mr. Pitt that he has been daily expected. *Marked* "Secret and separate."

The Duke of Rutland to Lord Sydney.

1784, November 22. Phœnix Park.—"His Majesty may be assured I shall pay every attention to his commands in promoting officers according to seniority and with a view to the economy of the half-pay list, except when particular circumstances may occur to induce me to take a latitude, and in that case I trust that those circumstances and the merits of the officers whom I shall venture to recommend will justify my deviation from His Majesty's directions.

"I am to the last degree concerned that a jealousy should have arisen respecting the appointments to the command of the last vacant regiments on this establishment, and being anxious to extricate Government from any embarrassments which might result from an idea so very invidious as that to which they are ascribed, I think it my duty to assure your Lordship that the Lord Lieutenant of Ireland has had no concern whatever in those military dispositions alluded to above. I deemed it incumbent on me to be as early as possible in transmitting to your Lordship this testimony, and I hope you will give me credit for my zeal and activity to clear up an opinion so very erroneously and improperly founded.

"Your Lordship has probably considered my letter of the 14th instant to Mr. Pitt, which, I hope, contains sentiments and observations consonant with your view of the subjects it discusses. I have stated my opinions in the best manner a very limited capacity will enable me to do, but at the same time with the most anxious solicitude for the glory of the King, and for the success and prosperity of his Government. I will not trouble your Lordship with a reiteration of all my reasonings contained in that letter, but I will just say that I am more and more sanguine as to the success of my favourite project, *the establishment of a national Protestant militia*, &c., &c., from conversations which both Mr. Orde and myself have held with different persons of confidence here; and I am persuaded all the property, the solidity, and the wisdom in the kingdom will embrace it as a system, not only of utility, but of essential necessity to the conservation of the country. Mr. Orde, who will have the honour to present this letter to your Lordship—and who is, indeed, indefatigable and a most able and valuable servant to His Majesty—will explain my whole idea at large, and will mention the names of those gentlemen who have been consulted on the measure, and who have expressed their approbation of it in the warmest terms of eulogium. It is, indeed, highly requisite to be as cautious as possible in our communications on this important business. Much will depend on the secrecy and circumspection with which it is observed, that faction may not have time to exert her strength and make head against a system whose success will be established on the utter subversion of all her dangerous and desperate combinations." *Marked* "Secret and separate." *Press copy.*

Henry Dundas to the Duke [of Rutland].

[1784,] November 26. Edinburgh.—As I suppose Mr. Orde is in England, I write to you directly. At the request of Lady Frances Douglas, I am applying to you on behalf of her sister, Mrs. Wilson, who married an Irishman, and disobliged all her friends. It is wished that something could be done by the Irish Government for him. Since I came to Scotland, I have seen your friend Mr. Blair, and, in addition to your wishes, I believe his own merit is a strong inducement to the object he has in view.

The Duke of Rutland to [Thomas Orde].

[1784, *c.* November 28.]—I hope the reception of your communication to His Majesty's Ministers will compensate you for the unpleasant hurry of your departure from Ireland, and the tedious passage you must have had across the channel. "In stating the situation of this country, and in endeavouring to remove the objections which may still subsist in the breasts of His Majesty's Ministers, you will please to enlarge on the difficulty of my situation, but as far as explanations may be necessary—though I trust the Bill has already cleared up every doubt and obscurity—I will use my utmost influence with the Parliament of Ireland to render the resolutions as distinct and unequivocal as possible; but to modify the spirit and cancel the principle of the 10th and 11th resolutions, or to separate the conditions from the compact and place them on distinct foundations, I could not with honour and consistency engage to attempt it; such an endeavour would render me an useless servant of the Crown, and preclude me in future from conducting His Majesty's affairs with any prospect of success.

"I could wish you would press Mr. Pitt on the subject of the marquisates and the vice-treasurers; and let me know how far I may be enabled specifically and definitively to hold out those honors and offices to such friends as we have designed for them. At all events, whatever may be my fate, it will be leaving a lasting impression on the minds of those powerful persons whose views are to be gratified, if I can serve them so effectually in such important objects. Pray press these points with much anxiety, as I feel solicitous to know what language to hold, and not to go on feeding hopes, which ultimately I may not have it in my power to gratify. That, you know, is not my principle, and persons who embarque their caracters with me on such important measures which we intend to bring forward, should know what ground they have to stand upon. General Cunningham thinks his name and his claims are not known to Mr. Pitt, you will therefore mention them to him. Say everything that is kind from me to Lord Shelburne. I hope he approves our propositions. I hear he wished they had been without any contribution. You may tell him my mind and opinion went entirely with his as to the fairness. But humours and prejudices are to be complied with." *Draft.*

Lord Sydney to the Duke of Rutland.

1784, November 29. Whitehall.—Acknowledging his letter of 23rd inst., which proposed the further prorogation of the Irish Parliament to January 20, 1785.

Lieutenant-General Sir William Draper to the Duke [of Rutland].

1784, November 29. Brompton Row.—After a long course of service, I find myself consigned to half-pay and oblivion. May I presume to request your recommendation for a pension on the Irish establishment, on the ground of public service in planning and executing the expedition against the Philippine Islands.

Thomas Orde to the Duke [of Rutland].

1784, November 30. London.—"I had no sooner reached this place than I was hurried into the country to meet Beresford and Foster at Mr. Pitt's and to begin real business. We passed some hours in conversation upon the general subject, and I was truly happy to find that everything promised as favourable a conclusion as we could wish. Some little jealousies had prevailed between our two Irish friends, but I am in hopes that every remaining symptom is now passing away, and that we shall finish our negotiation with the utmost personal good understanding as well as public harmony. They are both of them entirely satisfied with the liberal disposition of the Ministers here, from the real earnestness they shew to draw the several questions to some general principle upon which the decision may be speedy and effectual. We have not yet advanced far enough to enable me to inform your Grace of any formed plan upon which this great business may be regulated, but as far as I can now venture to predict, we shall be armed with an authority for concession sufficiently great to satisfy every reasonable man, and of course to serve as an encouraging foundation for those measures of vigor and resolution which you have recommended as the only cement and security of the whole. I have yet talked with no other of the Ministers but Lord Sydney and Mr. Pitt. They, however, hold a language which persuades me of the support we look for, and without which, indeed, I entirely agree with your Grace, we are not to hope for success, or indeed to make the attempt. I mean particularly to allude to the great object of a national militia upon the principle which engaged our attention just before my departure from Dublin. Beresford and Foster are both warmly anxious for this happy summing up of the whole business, and I shall not fail to lead [the] matter forward as regularly as possible to this favorite issue.

"I must therefore necessarily suppose that your Grace will be impatient to learn what is the probable state of the ministerial force and unanimity upon which you are to rely for the security of your requisite support. I have not yet had proper opportunities to dive into the bottom of this enquiry, but I have very satisfactory assurances of it from Mr. Pitt, who, in speaking particularly of the exchanges made in the two great offices of President and Privy Seal, desired me to remark them as incontestible proofs of the good humor and spirit of accommodation which prevailed among them. I had also no less reason given me to suppose that the Chancellor was perfectly complaisant as well as steady. This report is certainly kept up by every mark of public appearance, yet I have certain private accounts by which I am induced, in fact, to doubt of the entire accordance of every spirit concerned in this body. I gather further confirmation of this suspicion from hints of jealousy respecting Dundas, who is said to take possession of the Minister and to conduct him as he pleases. He has, however, at present given up the custody and is retired into Scotland."

The two new marquises kiss hands to-morrow. I am certain that Lord Shelburne has received no overture of that kind; but he seems pleased with the attention shown him in some respects, particularly with the proofs of your friendship.

Upon the whole, I do not apprehend any material disunion, and as there is general satisfaction with the management of affairs in Ireland, I reckon upon ample power and disposition to second your Government and enforce your measures. I am glad to know that your character is not one to be deterred by doubts in the prosecution of a great object which you have deliberately and cautiously projected.

"I have yet had no pointed conversation upon the subject of Parliamentary Reform, upon which, however, Mr. Pitt promises to discourse fully and explicitly with me. I am assured from indisputable authority that the Duke of Richmond is the cause of the still lingering reluctance to abandon the views of reformation in Ireland. Very many circumstances, however, conspire, I think, to persuade Mr. Pitt of the impracticability of such a measure, and of the impolicy it would be in Government to be volunteers in it."

The East Indian arrangements have caused some discontent. Dundas is disappointed in his views for General Campbell.

I have just seen yours of the 25th. I feel much your expressions of good opinion and esteem. I entreat you to take more care of your own safety. "Recollect the escapes you have had, and the consequences which would ensue from any material accident, both in a public and private view." I rejoice in the prospect of a successful progress, "if not immaturely checked by such very awkward means as I venture to complain of." The unanimous judgment of the Court upon the case of attachment will, I trust, have the good effects which you expect, especially as I just now learn that the sheriff has thrown himself upon the mercy of the Court, which I hope will not be withheld. All here acquiesce in the validity of your reasons for proceeding by attachment, but it is thought important to be cautious in pressing the question to fresh discussion and trial.

I have partly laughed and partly talked gravely with Lord Sydney upon the military question, and pressed your views in favour of General St. Leger.

I kissed hands and met with a most gracious reception, the King expressing no less wonder than satisfaction that you had been able so quickly to allay the disturbances in the country.

More favourable accounts are received of the disposition of the Court of Portugal towards the Irish trade; but we must be cautious of boasting of any of these points. It would be very disadvantageous that ideas of great and general concession should be encouraged or acquiesced in.

I must not omit to mention "Mr. Ogle's earnest wishes that you could be prevailed upon to recommend Mrs. Ogle *at present* for a pension of 800*l. per annum*, which, he says, would completely gratify him. I apprehend that this point will require much more consideration before you give way to it, however desireable and satisfactory it might be on many accounts to make him easy and contented." *Marked* "Most private."

The Duke of Rutland to William Pitt.

[1784, November.]—"I shall make one more effort before I finally quit the subject to induce you, if possible, to abandon your idea of a compensation, which, I protest to you, I think will render all advantages which you expect to derive from your liberal compliances abortive, and

prove fatal to the great schemes which are proposed to be brought forward for the ultimate settlement of Ireland. What is your object, by your munificence and compliance, but conciliation; to quiet the tumult, and subdue the factions that have disturbed our tranquillity; to establish a lasting commercial union, and to lay the foundations of eternal amity between the two countries? If these are your views, my solemn opinion is that they will all be defeated at the first mention of a compensation. If the compensation be adequate and an equivalent, Ireland can never agree to it, but if it should, it would be without thanks, and probably with execrations; and should your idea be nominal, and as a palliative to the Parliament of England, the deception may easily be discovered and exposed to the attacks and ridicule of our enemies, while Ireland would receive the bounty without gratitude."

The measures "proposed to be brought forward in co-operation with your commercial concessions are certainly in their nature the most decisive, and in their consequences the most extensive and important to Great Britain." But consider the difficulties "we have to encounter. To strike at the existence of a body of men with arms in their hands, who have for a length of time been an object of terror both to Great Britain and Ireland, who have rendered themselves of consideration even in Europe—to declare men constituted in such circumstances to be guilty of high treason should they ever venture to reassemble, is a measure which you will allow me to say requires palliatives the strongest and without any abridgments to render its success secure. I think you need never fear the rivalship of Ireland. A free trade was to be granted Bristol, and Liverpool clamoured and made an outcry like a shorn hog. And have they felt any diminution from the concessions then granted?" *Draft, much altered. Incomplete.*

The Marquess of Lansdown to the Duke [of Rutland].

1784, December 1. London.—"I am just come from kissing the King's hand for a promotion in the peerage, which I have infinite satisfaction in feeling that I owe to your Grace. I esteem it a singular piece of good fortune to owe this where I have already so many hereditary obligations, and where I shall always feel both pride and satisfaction to acknowledge it. The circumstances attending the peace make this distinction coming from the King, neither directly nor indirectly solicited on my part, undoubtedly a desireable object to me, and I am perfectly aware how unworthy it is to undervalue anything that is; but at the same time I should not write with the sincerity I always hope to do, particularly to your Grace, if I did not add that I never had a transaction so revolting in the *manner* of it to all my feelings, and I never hope to have again. However, after unburthening my mind, where I can alone do it with propriety, your Grace may rest perfectly assured that nothing will be remembered of it except what ought to be.

"Mr. Orde will write to your Grace what concerns home affairs. Everything abroad is in a state of great uncertainty. Monsieur de Vergennes was upon the point of retiring; however, the storm for the present has passed him, and the Queen of France has yielded. On the other hand, the French minister has shewn more vigour than was expected from his age. He has recalled, with circumstances of severity, Monsieur D'Audelan, the French minister at Brussells, for not executing his instructions with sufficient exactness, though he is protected by the Queen, and the French council is now unanimous in support of the Dutch, whose state is deplorable. They have no capacity within themselves, and no resolution to accept it from without. They are become

so cursedly free that every man in the States General is become a Statholder, and, like the Jews of old, are pulling one another's eyes out within their walls while the Emperor is at their gates.

"Thanks to your Grace, Ireland promises now a different scene, and I shall be happy, after acknowledging that I owe my honors to you, to owe my property likewise, as well as to see the British Empire indebted at the same time to your Grace's courage and perseverance for the preservation of one third of our whole."

C. T. Greville to the Duke [of Rutland].

1784, December 3. King's Mews.—"It gives me real pleasure to hear that public affairs wear a prosperous aspect in Ireland. I never doubted your zeal or good intentions. I dreaded the facility of your temper, and your indolence. The one might make you the property of interested friends, and the other might lead you to indulge in luxury and disipation in a degree which might not be compatible with the dignity of your station. As I know the foundation of sense and manliness and honor on which your character is formed in a private station, I have spoken to you freely on this subject, and I can assure you that nothing has given me more pleasure than the accounts I have heard of you since the affairs of the country roused your attention. The generosity you shewed to the distressed did not immediately gain you the praise you deserved, and your desire to gain popularity by the conviviality of your table, by your enemies was misrepresented. The alteration which you have made shews the world that you are not a slave to indolence or disipation, and your steady adherence to the measures of decision will, I hope, save the country and establish your name and reputation as a firm and able statesman. I confess I have not the prospect before me which I wish, relative to Ireland, and if I feel satisfaction in the last accounts, it arises from my knowing that you have, by your firmness, averted the evil which was imminent, and awakened the landed intrest of Ireland to its danger. I wish you could awaken them also to their true intrest, as connected with Great Britain. Ireland is too great to be unconnected with us, and too near us to be dependant on a foreign state, and too little to be independant. The seperation which has been made will require more than human wisdom to reconcile it with amity and generous emulation. The unsettled state of the country will deter men of property speculating and embarking their capitals in Ireland. Local advantages may on the map engage others as they did the Genevese, but on a view of Ireland, its government and component parts, those advantages appear counterballanced; nothing but a union with Great Britain will give a permanent security to the landed property, life to manufactures, or draw into the country those advantages, which nature has granted to Ireland from its situation, favorable to commerce, to fisheries, and manufactures. This, you will agree, is not the present prospect, and the alarm of the landed intrest may at this time give a favorable turn, and the law of the land and Parliament may be supported; but as long as an armed force exists, independant of the law, and unknown to the constitution, can keep arms in their hand in defiance of the law, that armed force is the Government and the law. I have heard alarms at the Catholics creeping into uniforms and associating in arms; if it does give alarm, Government should not listen to the cry partialy, neither should be permitted to retain their military system, unless the law, and the Government established by law, is too weak for the conflict; and if Government is strong enough, its strength will induce it to avoid all irritation that is unnecessary, and by a steady and firm hand in support-

ing the constitution in its rights, gradualy reduce self-constituted authority to the bound of constitutional subordination without the horror of warfare. So far I write to you my view of your politicks, and as I know you wish to make Ireland happy, and blessed with a free but defined Government, I sincerely wish you every success."

"I have been able to execute only one commission about the statue; as to the miniature, I believe you never paid for it. When Saunders comes to town I will enquire and let you know, and pay it if you please. Mr. Lock informs me that he cannot treat about his marbles. He offered them, and an intaglio, to the Empress of Russia for 2,000 guineas, through the medium of a princess who is in the Empresse's confidence, and who undertook to make the Empress take them at the request and recommendation of the Prince S——, who was in England and admired them. So far as to the Russians I give you initials, as they are all which Mr. Lock sent to me. He also informs me that, failing the Empress, he is engaged to give the refusal of them to the Duke of Richmond, who had, through Sir James Wright, desired to have the refusal. I did not mention your name. From this report you see you are doomed to let the money you destined for *virtu* burn in your pocket. I will, however, give myself a chance of a lump by offering *for the same sum* the collection which has taken me twelve years to make, and during which time I have had the picking of several collections which were sold in Italy, through the assistance of Mr. Hamilton at Rome, and Sir William Hamilton at Naples, and two statues which I know to be antique and uncommon and fit for any collection. You may remember them. One of them, a Baccante or Ariadne, was found near Rome when I was in Italy; the other came from a collection at Naples and is a Pudicitia. The amount of marbles is two statues and one bust; ditto of pictures, sixty. There are about eight or ten pictures which would encrease the number, but as I do not think them worthy your collection I shall throw them in, but do not mention. As to the pictures, if I had less experience, or had seen fewer collections, it might be little for me to express a reluctance in parting with them. I collected them chiefly in Italy, and out of known collections, to refresh my memory of the works of great painters and of the different schools. They have had the effect, and prevented me from throwing away my money at auctions. If I had not employed judicious friends to purchase for me, or had bid excessive prices instead of waiting patiently for favorable opportunity, I should not be able to offer the whole at that price. I only wish to bring myself nearly home and to give up my pictures and statues to pay a ballance which I owe to the builder who was employed in Portman Square, and who was not of course bound to share my loss on its sale. If you will have them, I will send them to Belvoir, and you shall pay my builder by giving your security, payable as your man of business and the builder shall agree. I should think it might be settled for two or three payments, a year intervening. This being the first dealing or money transaction between us, I should not have introduced it if you had not desired me to negociate for the purchase of *virtu*."

* William Pitt to the Duke of Rutland.

1784, December 4. Putney Heath.—[*Correspondence, p.* 50.]

The Earl of Clanricarde to the Duke [of Rutland].

1784, December 5. Belmont, near Warnford, Hampshire.—I hear rumours of promotion in the Irish peerage. In the event of such taking

place, I trust I shall be honoured with your protection, so not to be injured in my precedency. I may observe that my family has already been possessed of higher titles in the kingdom of Ireland than that which I now enjoy, and that the titles which I actually possess are senior by a long period to all those of equal rank.

Thomas Orde to the Duke [of Rutland].

1784, December 6. London.—I have been much afflicted to hear of your illness, and proportionately glad to hear of your promising recovery. Let me entreat you to be cautious for the sake of your family and country.

"Our conferences on the subject of commercial arangement have been hitherto pleasant, as seeming likely to draw the business to a favorable issue. I do not, indeed, now foresee any difficulty, except on the point of stipulated returns, which, your Grace is aware, would never be acceded to with any degree of complacency in Ireland, although every profession of acknowledgment and of consequential contributions to the necessities of the State would be largely tendered. I still am inclined to think that we must not only be content with this pledge of engagement, but that it may be dangerous to the success of our arangements, and to the value of the very recompence we seek, to insist too strongly at present on a precise equivalent according to a fair estimation of all circumstances. In short, I would not have Ireland pushed or picqued to examine too strictly into the real state of the case, and the importance to them of the objects which they seek, and which we are about to give them.

"I had a long conversation with Mr. Pitt on the subject of Parliamentary Reform, and have met with nothing unexpected in his partial adherence to his original ideas, and his delicacy on the point of consistency. I find him exceedingly distressed in regard to Ireland in that respect, but at the same time very fair and open, and full of handsome acknowledgments of your Grace's kindness and consideration in writing to him so explicitly your decisive sentiments. I hope, however, that all will be well. I am to have another conference with Mr. Pitt upon the same subject in order that we may come to some decision upon a plan of *system*, which he agrees entirely with you, ought to be established in such a manner as to form a direction for every object of Government. The view of introducing a national militia appears still to be of the most desireable consequence, but the mode of leading the proposition to a successfull accomplishment remains to be thoroughly investigated, discussed, and settled. Upon the whole, I have warm hopes of a pleasing gratification to your Grace's generous endeavours to make your Government advantageous and honorable to both countries." *Marked* "Private."

The Duke of Beaufort to the Duke [of Rutland].

1784, December 8. Blandford Park.—I am sorry that my absence from Badminton prevents my paying the attention which I should wish to the Marquis de Bombelles, recommended by your letter, which has been sent me by the Duchess of Rutland.

The Earl of Hillsborough to the Duke [of Rutland].

1784, December 8. Hillsborough.—I have just learned that you have given the most minute attention to the recommendations I laid

before you, and return you my humble thanks. I am vexed that Reilly was so silly as to refuse your offer, and I suppose he is, by this time, vexed at it himself.

Earl Nugent to the Duke [of Rutland].

1784, December 11. Bath.—I congratulate you on your escape from a very perilous accident. Let me, as an ancient peer of Ireland, zealous for the honour of its nobility, and also as having on public grounds declined an office of emolument for myself, advocate the claim of the Earl of Westmeath to a pension.

Endorsed on the above is the rough draft of a reply in the Duke of Rutland's hand, as follows:—"My illness still obliges me to use another hand. No one can feel more for Lord Westmeath's situation than myself. His antient family, his own merits, and a real personal esteem, are circumstances which operate strongly in my mind in his favour, but the delicacy of increasing the pension list, from the captious spirit of faction and clamour which is still unsubdued in this country, renders it a circumstance of unspeakable difficulty, and which cannot be engaged to without a congenial moment and the maturest consideration. *That consideration Lord Westmeath's situation certainly entitles him to.*"

* William Pitt to the Duke of Rutland.

1784, December 14. Putney Heath.—[*Correspondence, p.* 53.]

Thomas Orde to the Duke [of Rutland].

1784, December 14. London.—I think you ought not yet to be subjected to fatigue, and I shall not trouble you upon business, as to which I have written fully to Mr. Hamilton, who will, at a fit time, communicate to you the state of our commercial negotiation. I shall only observe at present that we have the fairest prospect of a happy conclusion.

Mr. Pitt mentions his design of writing to you, and will doubtless give you a like account of our progress. Several great points remain for further discussion, particularly a Militia Bill.

I am glad to hear of the continuance of tranquillity, and of the justice done to the munificence with which the manufactures of Ireland have been patronised.

"You will be entertained hereafter, when I shall relate to you all the ridiculous stories which were fabricated here to put an end to your Grace's government. I must now mention one, which was told to me by your old friend Betty, who took a very serious share of concern at your illness. Some of the opposition, however, it seems, had thought it right to put you to death, and in consequence came into her shop with lamentations and regrets, which she ridiculed and scouted as *having better intelligence* than they had, and more *interested by regard in it.* She laughed at the absurd policy of killing prematurely a Lord Lieutenant of Ireland, and recommended to them rather to destroy the First Lord of the Treasury, the Secretary of State, the Chancellor, &c., &c., because it might be followed by the malicious indulgence of seeing the avidity with which it would be swallowed from hopes of being concerned in the succession, but that, as nobody wished in such times to be Lord Lieutenant of Ireland, the great effort of invention and imposition was wholly thrown away. 'No, no,' concludes she, 'it will not do; it is a very bad stroke indeed. Get you back—addressing

herself to Lord Foley—to *your committee* and bring the Duke to life again as fast as you killed him.' She told this story to me in the presence of many of the persons concerned in the report."

The chief news seems to be "that which regards the Queen of France, for which people will continue to insist there is great foundation. It is certain that such reports are brought from Paris, and such notions entertained there." She "seems to have lost much of her political influence at all events, and it is generally thought that the Emperor is in a scrape by too great a reliance on it."

The Cabinet "meet tomorrow upon the subject of Ireland. I hope that there can be no doubt of their unanimous concurrence in those opinions which Mr. Pitt will propose for a plan of arrangement. I have talked much with the Chancellor, and think him quite rightly disposed. He is certainly not pleased with Dundas, and chiefly about the restoration of the Scotch estates and the payment of the Nabob's debts. The Duke of Richmond torments Mr. P[itt] about this unfortunate point of Reform, which will, I see, be a serious matter here. But, at all events, the extension should not be thought of to Ireland till the question shall be decided here. Mr. P[itt] argues fairly about it, as he does about everything; but he is sadly involved and embarrassed. The Opposition, I know, found their hopes on no other ground." *Marked* "Private."

The Earl of Mansfield to Lord ———.

1784, December 14. London.—"I am infinitely obliged to the Duke of Rutland and your Lordship for the kind information I received from you last night. I have been cruelly agitated by the different accounts which have been circulated here. I flatter myself now he is in a hopeful way of recovery; the loss of him at this time would not only have been a severe blow to his friends and family, but fatal to his King and country. I am satisfied he will be able, by a firm and wise conduct and a contempt of false popularity, to preserve Ireland from being ruined by herself. I beg my most affectionate wishes to him and the Duchess."

The Earl of Tyrone to the Duke [of Rutland].

1784, December 23. Curraghmore.—Accept my sincere acknowledgments of your letter. I shall be in Dublin at least ten days before the meeting of Parliament, and hope to find your health perfectly recovered.

Anne Manners Sutton to her brother, the Duke [of Rutland].

[1784,] December 25. Lincoln.—"I have long been uneasy on your account, as it is universally thought that the life your Grace leads is far too irregular for it to be possible for you to live long, much less in the chance of continuing in health. Suffer me to look back some years, when *you* used to tell me that the faculty was of opinion that your constitution was far from strong, and that it had been represented to you the necessity of being abstemious both in eating as well *as drinking*. Would to heaven that I could say any thing to influence you to take care of yourself! Health takes a sudden flight, and death happens as unexpectedly. You have recovered one violent illness; is it not incumbent for you to guard against a second attack by avoiding extremes of every kind, not forgetting to mention exercise as of the number?" My nerves are much shaken, and I am hardly equal to writing. Have you any thoughts of returning to England? I fear not.

THOMAS ORDE to the DUKE [OF RUTLAND].

1784, December 26, Sunday. London.—I am trying to get away so as to deliver to you in person the full contents of my budget, which will, I hope, be satisfactory. My first anxiety is for the re-establishment of your health. I have seen the Duchess, who is perfectly well, and, I am happy to find, talks of her return to Dublin when the weather makes it practicable. I hope you can put off the celebration of the Queen's birthday until the Duchess shall fix a time to be present.

Mr. Foster has probably already waited upon you with all necessary information. Mr. Pitt will himself write to Lord Mornington as to the subject of your application. I shall, however, on my return impart to you some circumstances bearing on this.

I have seen Lord Lothian frequently. He always makes the warmest sentiments of regard for you, and assures me of his fixed intention to visit you in Ireland. The Attorney is not arrived here, though I have heard of his landing at Holyhead. I expect to get away on Thursday, and shall lose no time on the way; but I have a heavy weight of business to get through first.

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E. COOKE to the DUKE [OF RUTLAND].

1785, January 5. Dublin Castle.—Gratefully acknowledging the promise of an appointment as Clerk to the Irish House of Commons.

* WILLIAM PITT to the DUKE OF RUTLAND.

1785, January 6. Downing Street.—[*Correspondence, p. 55.*]

LORD SYDNEY to the DUKE [OF RUTLAND].

1785, January 6. Whitehall.—I am glad to hear you are now well enough to receive letters. I hope the plan described in my official letter—which expresses the views of the Ministry here—will meet your approbation, as well as that of our friends in Ireland who have hitherto so firmly and wisely supported your administration. *Marked* "Secret and separate."

The SAME to the SAME.

1785, January 10. Albemarle Street.—You will receive an application from Lord Conyngham to be made a Viscount. He has mentioned his wish to me, and I have referred him, as I always do on such occasions, to you. My intimacy with his brother certainly inclines me to wish well to any request from the family.

"We are preparing to instruct you. How heartily I wish your mad scheme of Reform at the devil! But I am but one." *Marked* "Secret and separate."

LORD SYDNEY to the DUKE OF RUTLAND.

1785, January 11. Whitehall.—The King's confidential servants having taken into full consideration two subjects of the greatest importance to Ireland, I mean the probability of a motion for Reform of the House of Commons in that country, and the establishment of a national militia, have humbly submitted their opinion to His Majesty; and I am commanded to acquaint your Grace that it is thought desirable in the present situation of affairs, in case of a proposal for reform being made at the beginning of the session, that the Government should endeavour to postpone it until after the decision of a similar question in the Parliament of Great Britain. Your Grace will doubtless concur in the propriety of this. Delay will enable you to see more clearly what plan of reform—if such a measure is to be adopted—would be agreeable to the greatest number and attended with the least objection from those who have hitherto supported your Government. But you will avoid everything which would tend prematurely to commit the opinion of Government, or to give offence to your supporters.

I am likewise commanded to recommend to your Grace's attention the consideration of a plan of a national militia. There can be no doubt of the expediency and necessity of putting the armed force of Ireland into a legal form. It is as little to be doubted that a considerable degree of address will be necessary to bring about that desirable event without giving cause of jealousy to those now in arms. But the idea of a militia is so consonant to the principles and spirit of a free government, and the present system so expensive to those engaged in it, that it is hoped men's minds may be disposed both in and out of Parliament to this salutary measure. It seems equally clear that, in the present situation of Ireland, the militia should consist of Protestants only. You are therefore desired to concert with those whose advise you may deem it proper to require, such a scheme of a militia as may be fit to be offered to the Irish Parliament and to transmit this scheme for the previous consideration of His Majesty. *Marked* "Secret and confidential."

* WILLIAM PITT to the DUKE OF RUTLAND.

1785, January 11. Downing Street.—[*Correspondence, p.* 75.]

* The SAME to the SAME.

Same date.—[*Correspondence, p.* 83.]

* The SAME to the SAME.

1785, January 12. Putney Heath.—[*Correspondence, p.* 84.]

The MARQUESS OF LOTHIAN to the DUKE [OF RUTLAND].

1785, January 12. Waverley.—Enquiring as to his health.

The DUKE OF RUTLAND to LORD SYDNEY.

1785, January 13. Dublin Castle.—I have received yours of 6th, marked most secret and confidential, enclosing a copy of "certain resolu-

tions which have been submitted to the King by His Majesty's confidential Ministers as the basis of a mutual and final adjustment of trade and commerce between Great Britain and Ireland, upon which it is expected that a contribution on the part of Ireland shall be made to the general expenses of the Empire by applying to the service of the navy any surplus that may hereafter arise from the increase of the hereditary revenue of Ireland."

I have considered the resolutions, and am glad to observe the wise and liberal principles upon which they are founded. I presume that the last resolutions of those which were before privately communicated to me—giving a preference to each of the two kingdoms to the commodities of the other over those of foreign nations—is to constitute part of the general plan.

The expected contribution is in itself just, and proposed in the most unexceptionable mode. But I cannot let His Majesty's confidential Ministers imagine that the measure is free from objections and serious difficulties here. These I shall submit without reserve, and, having done so, shall allow no idea of difficulty to interfere with my performance of my duty in accomplishing the wise and generous purposes of my sovereign for the general prosperity and happiness of the kingdoms.

My apprehension is that the people will be swayed by inflammatory declamation, to which the system will afford an opening, and that the propositions of compensation will be strongly opposed in Parliament, as well as by the body of the nation at large, notwithstanding the support of the ablest individuals. It will be said that the proposed system of commercial intercourse precludes this country from any future improvement in manufacture in competition with England, whose highly developed industry, supported by large capital, already enables England to undersell Ireland in the Irish markets; that the reduction of duties in England is therefore a nugatory concession, which, though it appears to put the two countries upon an equal footing, does still in effect sufficiently preserve to England her superiority; that the alteration in the navigation laws will operate only accidentally in the instance of foreign goods and hardly ever in goods from the plantations, the proprietors of which are resident in Great Britain; that all hope of encouraging Irish manufactures, either by duties or bounties, is cut off for ever; and that if a fortunate improvement in commerce should grow out of the rising industry of the people, it will be instantly checked by the drain of the contribution.

This is the partial light in which the system will be represented to the people by ignorant or designing men, and their discontent propagated through the country, will not easily be allayed at a time when other powerful though necessary measures are to be brought forward against strong prejudice. His Majesty's Ministers may rely upon my doing all I can to set every part of the system in its true point of view, and fully to explain the advantages secured to Ireland by the compact.

"The disappointment by Parliament of the popular expectations respecting a reform in the representation, and their not granting protecting duties, which the manufacturers in this city more particularly demanded, drove the people from their accustomed deference to the decisions of Parliament, and led them to look to other methods of accomplishing their ends by means of a congress, and by non-importation agreements. The county candidates in general found themselves under the necessity of giving in to the popular cry for a Parliamentary Reform, and the unsuccessful candidates joined in it, and continue to press for it, that it may open to them a prospect of getting into Parliament. The failure of this object has been cast upon Parliament with all the varied abuse

that the genius of the public prints could invent. Permit me as I go to mention to your Lordship that the object of Reform is by no means confined to a correction of alledged abuses in the representation, but extends to a substantial change of Parliamentary influence; that nothing short of that will satisfy the clamorous, and that any such change will completely dissatisfy the friends of Government and the established Constitution. And I have reason to know that if a moderate Reform were consented to, it would be accepted only as a more elevated and stronger ground from whence the party might annoy their opponents and force the main point at last." You will see that Parliamentary Reform is so connected with the subject of this letter that I could not avoid saying something upon it; but I am glad to think that Government need not take a forward part in that question.

"It has always been a continual object of my administration to raise the estimation of Parliament in the minds of the people, and to bring back that deference which is due to the legislature of the country," and I think my efforts have not been without success. I hope, with the aid of Parliament, to see the executive authority restored to free action, without the delicate management which is required in the face of an irresponsible armed force.

"It is easy to foresee that the invidious turn to be given to the proposed compensation, if carried in the House of Commons, will be this, that the Parliament is at the devotion of the British Government, and has sacrificed the interests of Ireland, not only—as has been already objected to it—by supplying the demands of establishments framed with a view to lighten the burthens of Great Britain, but has laid upon Ireland unusual and additional burthens, calculated to defeat the ostensible advantages held out, while she is debarred of any future possibility of remedying the evils which may flow from this compact.

"One consequence—excellent as it is—of the propositions, will afford a present strong excitement to factious men to unite at once and raise the most desperate opposition to them. I mean their conclusive effect to remove objects of future cavil and dispute. Your Lordship knows that the parties in this country consist of three descriptions of men:—the Dissenters, who seek for such an alteration of the constitution as will throw more power into their hands by bringing the Government nearer to that of a republic; the Roman Catholics, whose superior numbers would speedily give them the upper hand if they were admitted to a participation in the Legislature; and those who oppose the Government upon personal considerations. The two first classes are naturally jealous of each other from principle, and the third class is not upon any principle a friend to either. Without some band of union, different parties will keep each other from encroaching upon the Government; but once united, they will become formidable. Such an union may, I fear, occur on the present occasion. The contribution to England will be a motive of common interest in which all can draw together without apprehension of forwarding the separate interests of the other, and of which each will take advantage to press their particular objects upon Government. If by a fatal conjunction they should be strong enough to succeed in defeating the present measures, the country will be in a more unsettled condition than ever.

"Quiet is now pretty well restored; but I am satisfied that neither the Dissenters or the Roman Catholics have abandoned their favorite wishes. If they entertain hopes of success, a time of war will be the season chosen to urge their designs, and such a time of embarrassment will be laid hold of by a watchful enemy to harrass the country and increase the distractions of Great Britain. The settlement of this kingdom

is therefore a most interesting and important concern. Divested of that sole article of contribution, I am sanguine enough to hope that the other great measures might be carried with sufficient contentment of the nation, though not without opposition and clamour. Combined with it, I will not conceal my apprehensions that the settlement of the country, notwithstanding the adoption of the measure by Parliament, may be precarious, and that the effects, if not immediate, may be felt at the next general election, or upon the breaking out of war.

"Having thus submitted my opinion upon the contribution proposed, let me not be understood as raising objections to a measure" which I think reasonable, but "which, connected with the critical state of the country, becomes of such important consideration that it is an indispensable part of duty in me to submit my sentiments to His Majesty's ministers." I shall rejoice if my apprehensions are dispelled by the event; and in any event His Majesty may be assured of my unabated zeal, and of my best efforts to carry out his commands. *Copy, marked* "Secret."

THE DUKE OF RUTLAND.

1785, January 14.—"Hints and precautions to be made use of.

"To be very accurate about the state of Parliament.

"Minutely to enquire from the leading and intelligent gentlemen in each county who are friends to Government, the *numbers* of the volunteers, their *present temper* and *disposition*, how they are likely to be *affected* and to *feel* from an attack so direct and personal to their existence. The neighbourhood of Dublin, Kilkenny, and the north, most to be apprehended.

"An enquiry into the state of the charter schools and the administration of them in a moment of tranquillity would be a useful measure. I believe they are full of abuses. If two large and *efficient* seminaries were established in their room—similar to Eton and Westminster—it would greatly tend to civilise this barbarous country. But here everything is a job and abused, with a *few exceptions*, from the highest to the lowest; the whole people are an interested, selfish, savage race of harpies and plunderers.

"*N.B.*—Parliament ought, without loss of time, to declare convention, congress, and all such meetings, illegal." *In the handwriting of the Duke.*

The DUKE OF RUTLAND to [THOMAS ORDE].

1785, January 15. Phœnix Park.—The injudicious letter which Mr. Ogle has written to the Attorney-General is likely to stand in his way. My illness has been the real reason of the delay in answering his application. I have never been averse to his interests; but no Government can allow itself to be thought to be operated on by fear. My idea is to state to Mr. Ogle the real reason which prevented my immediate attention to his views, and also the circumstance which now becomes an obstacle. If, however, any promise has been made to Mr. Ogle, it must be kept.

Postscript.—His private character and public merit rendered him a person I wished to cultivate. *Draft.*

LUKE GARDINER to the DUKE [OF RUTLAND].

1785, January 16. Henrietta Street.—Applying for a peerage; being heir-at-law to the first Lord Mountjoy, and proprietor of the family estates which were granted to that ancestor for service to the Crown.

The Earl of Hillsborough to the Duke of Rutland.

1785, January 16. Hillsborough.—Enquiring as to the Duke's health, and urging the claims of Mr. Annesley to a seat at the Board of Revenue.

Thomas Orde to the Duke [of Rutland].

1785, January 16, Sunday morning.—I have experienced great distress and perplexity about Mr. Ogle's affair since the decision has been left to me. I was, however, persuaded that the awkward part of the business had been done away by what ensued, and that we are to determine on the simple point of expediency to seek to make such a man as Mr. Ogle our friend by a sense of real obligation, though at considerable expense. Mr. Hamilton, who has a calm, penetrating, and honourable mind, has encouraged, nay in a manner impelled me, to the ultimate resolution of gratifying Mr. Ogle. I have done the deed, and hope you will approve. I believe it is right, and have acted on that principle.

S. Hamilton to the Duke [of Rutland].

[1785, January 16,] Sunday night. Dublin Castle.—Concerning his speech on opening Parliament.

[Thomas Orde] to the Duke [of Rutland].

[1785, January 16,] Sunday night.—On the same subject.

Lord Sydney to the Duke [of Rutland].

1785, January 19. Whitehall.—I was much pleased to receive a letter in your own hand. I regret to see the difficulties with which you may have to contend. We may have our own difficulties here, "as there will be a disposition to make objections of two very different sorts—that we have done too little and too much for Ireland; and endeavours will probably be used to raise discontents in the manufacturing towns of this country." We must in these times meet our adversaries with firmness and stem the torrent as we can.

As your speech must have been made before the King's approbation of the heads of it can reach you, it is too late to criticize it. But I conceive nothing could have been more proper. *Marked* "Secret and separate."

* William Pitt to the Duke of Rutland.

1785, January 19, Wednesday night. Downing Street.—[*Correspondence, p.* 90.]

Lord Clonmore to the Duke [of Rutland].

1785, January 22.—Thanking him for recommendation for advancement in the peerage to the rank of Viscount.

The Duke of Rutland to [Lord Sydney].

1785, January 23. Castle.—I shall trouble you with but few words in addition to my official letter. The general opinion of all the con-

fidential friends of Government goes distinctly against the policy of annexing any compensation to the liberal concessions made on the part of Great Britain. In the present difficult moment, when all persons are to be conciliated—though I acknowledge the justice of the proposition—I cannot but concur in the opinion of its being an impolitic and ill-timed measure. The objects which may be endangered by a perseverance on this point are far too important and necessary to be risked on this occasion. We have the fairest expectations of success in our system to be pursued with the volunteers, provided this idea of contribution does not interfere to cloud the prospect. As to Reform in England, I am pledged and say nothing. As relating to Ireland, it is neither more nor less than lunacy. *Draft.*

The Duke of Rutland to William Pitt.

1785, January 23. Dublin Castle.—"I am sorry to find it necessary to resume a subject which I had hoped to have finally quitted. But the general opinion which prevails among all our most *confidential* friends on the subject of contribution, and the *universal discontent* they all conceive it will create, renders it indispensably incumbent on me once more to represent and to deprecate the effects which are likely to flow from a perseverance in this resolution. I do not pretend to arraign the truth and fairness of your proposition nor the arguments you adduce in its support. On the contrary, I acknowledge its *justice* —though even *that* is contested by *some*. But I must concur in the sentiments held *by all* on the *impolicy* of this idea in the difficulty of the present crisis. We have the fairest prospect of carrying all our measures decisively in relation to a militia, and the complete *abolition* of the volunteers, provided this unfortunate clog to be annexed to the generous and liberal concessions granted by England, does not cause a convulsion which may endanger all the *more material and necessary* branches of our system. Mr. Daly and Mr. Grattan, in speeches perhaps the finest and most decisive ever delivered within the walls of the Irish Parliament, have paved the way to the adoption of those measures which I have proposed to you in respect to the volunteer army. Their opinions went strongly to its suppression, and, by the manner their sentiments were received by the House, I am persuaded Parliament would support this *part* of the system with their bodies and swords, provided the *compensation* does not kindle a flame in their minds against the English Government and—I might almost say—against the English connexion.

"In short, you are to decide between the possible advantages to be derived from an uncertain and equivocal revenue at some distant period, and the fair and reasonable expectation we now have of finally crushing this licentious and seditious army, as well as of annihilating the *principles* and *spirit* which originally engendered it. The consummation of this point, as well as the establishment of a militia composed of *Protestants alone*, will be the strongest cement to the bonds of connexion between the two countries, and, by encreasing the weight and influence of the Protestant interest, will effectually defeat the dangerous designs of those who have wished and endeavoured to overturn our happy establishment. I have directed an official letter to be written to Lord Sydney containing a detail at large of all the objections which have been raised against the contribution, and the opinions of those who have been particularly consulted. I most sincerely pray they may operate on your mind. I have no time to

answer your letter on the subject of Reform. Your commands, as far as they relate to England, shall be obeyed. You shall hear from me again soon."

Postscript.—"The appropriation of the contribution being vested in the English Parliament will be a point particularly obnoxious." *Press copy, marked* "Secret and confidential."

The Marquess of Buckingham to [Luke Gardiner].

1785, January 23.—Offering to state, if invited to do so by the Duke of Rutland, the conversations which took place during his own Lord-Lieutenancy upon Mr. Gardiner's application for a peerage.

The Duke of Rutland to Lord Sydney.

1785, January 24. Dublin Castle.—"I cannot now have any doubt of the cordial support of a majority in Parliament, a support given from the heart and established upon a clear conviction of the necessity of those measures for preserving the authority of the legislature, the legal and steady execution of government, and the perfect confirmation of tranquillity."

I cannot speak with the same confidence concerning "the proposition of a contribution from the country in consequence of the adjustment of commercial intercourse between Great Britain and Ireland. Independent of that condition, I retain the highest opinion of the plan of adjustment, and am confident it must be received and applauded in both countries."

Let me advert to what may be the ill-effects in Ireland of a requisition for such a contribution. "The clamour against the plan, independent of that proposition, would probably be the same here from persons of the same description and upon the same grounds as in England. In addition thereto, it will be said that the system professes reciprocal equality, but that equality is afterwards destroyed, Ireland being obliged to pay, while England is to receive, a valuable consideration; that under former ministers the grant and extension of the Irish trade to the colonies was made without any such demand." This additional ground of complaint may be suggested against the Parliament when all their authority will be requisite to carry the necessary measures for the settlement of the country; "and these very measures will be attended with a considerable additional charge at a time when the receipt of the public revenues is at least 150,000*l.* a year below the charge of the expenses of Government." If Parliament should reject the propositions in the whole, all the business of government will be embarrassed. "The disappointment of the people in the long expected plan of commercial intercourse will raise a fresh clamour for what they call protecting duties and will give fresh encouragement to non-importation agreements."

"The plan has been confidentially communicated to a good many gentlemen, whose knowledge of this country and whose influence in Parliament make their opinion of the most weight. Individually they admit the justice of Ireland's contributing to the expenses of the Empire," but several, "whose first opinions acceded to the measure, have, upon fuller consideration, expressed much suspicion of the practicability of it at this critical time."

The extremities "to which Government here may be reduced if this measure should not succeed with the full sanction of Parliament and

the sufficient good will of the people, make me exceedingly solicitous that this condition may be dispensed with, especially as the consequences in England of omitting it bear no comparison with the magnitude of the consequences in Ireland which may attend the insisting upon it." I confess "that my apprehensions have been much influenced, not only by the opinions of gentlemen who openly disapprove of the measure, but by my observation of the reluctant acquiescence which others seem hardly induced to give from their particular sense of attachment to the king's government." *Copy, marked* "Secret."

The Duke of Rutland to Lord Sydney.

1785, January 25. Dublin Castle.—Since yesterday "I have had further opportunities of knowing the sentiments of the friends of Government respecting the contribution to the general expenses of the Empire, and have but little reason to expect success in any form, but much less if any specific application of it in England be expected. I have some faint hopes that if the surplus of the hereditary revenue may be appropriated in general terms for a naval supply to be disposed of in this kingdom, it may possibly pass in that form; the appropriation to take place immediately, and the specific application to be divided by Parliament here;" but "if the surplus is in any way whatsoever to be remitted into England, either in money or in goods, the resolution will never be carried." I hope that on consideration of the reasons given in my letter of the 13th and yesterday, the King's Ministers will recommend the proposition to be totally abandoned. If not, I hope it may be proposed in the modified form I have suggested, if I find any probability of the House of Commons adopting it with cheerfulness.

In my opinion it is of little importance how the grant be made "provided the surplus be set apart to be applied hereafter to the uses of the navy," which might be done "by applying it to the building, maintaining, manning, and victualling ships of war stationed upon this coast. The power of the fleet is, as that of the army, at the King's disposal, and the application of the surplus of Irish duties by Parliament to naval expenses will no more affect the royal authority in one case than in the other." Let me repeat that the great object is the settlement of the country, and intreat that no measure may be insisted on which will put this in hazard. *Copy, marked* "Most secret."

Lord Sydney to the Duke [of Rutland].

1785, January 26. Whitehall.—We opened our session agreeably. You will see there was a desultory debate in the House of Commons, in which our friend kept his superiority as much as ever, and that is allowed by the enemy. "Lord Derby said 'Damn the fellow, he speaks so well, I wish his throat was cut.' It is thought the opposition could not have divided five-and-twenty at any time of the day." *Marked* "Secret and separate."

The Same to the Same.

1785, January 27. Whitehall.—I have received yours enclosing the speech and addresses of both Houses of Parliament, as well as your letter relating to the compensation proposed to be annexed to the liberal concessions to be made to Ireland. A Cabinet is summoned to meet to-

morrow on the subject. "I will not disguise to your Grace that the opinions of the King's servants seem very averse to giving up this point, as there appears justice in the proposals, and likewise a good deal of probable difficulty of carrying the other points in the House of Commons in England if some compensation is not annexed to them. The whole, therefore, may possibly be suspended here for want of that measure." *Marked* "Secret and separate."

Daniel Pulteney to the Duke [of Rutland].

[1785,] January 27, Thursday. Fludyer Street.—I have received from Mr. Hill an account of your sentiments respecting Pitt's Reform, and found at his *levée* Lord Tyrconnel had received the same. I do not know whether Mr. Hill's instructions reach to Pochin, but he has told me he is against it. There is no great probability of its being carried, Lord Graham and others on the Treasury Bench being very unreserved in their declarations against it, and two-thirds at least of the independent part of the House. But if it should ever pass the House of Commons, and be only thrown out in the Lords, there are some consequences which everyone foresees, and which Lord North and Fox will not be such fools as not to improve. I shall certainly vote for it, even if it goes to destroy the rotten boroughs, though my vote would be like the conduct of the drunken man in Hogarth who is sawing down the sign-post he sits on. Mr. Hill tells me his application for me to the Duchess, and General Sloper, and even Steele, has produced nothing. "It surely would require very little application from your Grace to Pitt to provide for one member, besides that the footing I am upon with him ought to forward such an event, though from the little I have seen of these affairs, I believe an acquaintance has always the least interest. I told him to-day I had instructions from my *constituent* to support his Reform, and he condescended in return to shew me a letter from India, in which the writer describes his own death; but I am sorry to repeat I do not think there is a worse symptom than familiarity."

The Earl of Chatham to the Duke [of Rutland].

1785, January 28. Berkeley Square.—I was very glad you were well enough to meet the Parliament. "I flatter myself you have every prospect of a happy conclusion to the sessions, and that you may reap in peace the fruits, and all the honour of the arduous situation you have hitherto had to struggle with. The settled appearance of things on this side the water will, I hope, have a favourable influence on yours. The business of the *Reform*, including every consideration, is, however, certainly an anxious circumstance."

Lord Sydney to the Duke of Rutland.

1785, February 1. Whitehall.—The King's servants have very maturely considered your letters, and I am to acquaint you that "they remain firmly and unalterably of opinion that it is impossible to carry into execution any part of the proposed commercial arrangement, without some fixed mode being at the same time established by which Ireland may contribute in time of peace, according to the increase of her wealth, to the protection of those general interests, in all which she will henceforth fully participate with Great Britain. The internal

settlement of Ireland is unquestionably an object of the greatest importance; but the settlement on some fixed principle of her connexion with this country is certainly not less essential, and indeed, the *one* can hardly be established without the *other*.

"It will be impossible to contend that anything like such a fixed principle is secured unless this object of contribution is now provided for; and therefore, whatever advantages Ireland expects either from the immediate effect of the intended propositions, or from the confirmation of what she has before obtained, and from putting an end to future jealousies, must all be suspended if the difficulties on this point are not surmounted. The idea of her contributing *only* to the support of the services, *for her own immediate and separate* benefit, is the direct reverse of the principle which ought to govern the present settlement, and is utterly inadmissible. The essential object is, that she should bear her proportion in maintaining the force which may be employed under the executive power of the Empire for the protection of the commercial interests which are common to both kingdoms. The navy, on which depends the security of trade, and of the advantages which we shall receive in common from the British Colonies, is in this view the most natural object of attention. But then, whatever is given towards the support of the naval force of the Empire, the direction of it must remain with the executive power, to be employed most for the general welfare, without being confined to particular stations, or put partially under separate controul.

"Ireland will always be secure that her coast and her trade will be sufficiently protected, if there were other motive than this, that the very revenue we hope for depends upon this protection. From these considerations it appears to His Majesty's Ministers most natural that the supply given should be sent to this country to be employed for the purposes of the general defence. The original appropriation being left to the Parliament of Ireland, there can be no doubt that the faithful application of it would be enforced here, because it would be so much saved to ourselves. And the Parliament of Ireland having by this arrangement a certain check upon the executive Government, from the necessity of their applying annually for additional supplies, there appears no probability that the constitutional rights and the importance of Parliament would be endangered by a perpetual appropriation of the fund. But as it appears, notwithstanding, that the idea of the money thus arising being carried out of the country, to be applied without the possibility of the superintendence of the Irish Parliament, may occasion jealousy and alarm, His Majesty's Ministers, with a view to conciliate as much as possible and to remove the difficulties which have been started, have considered how far it is possible to modify this proposition without defeating the fundamental object. They conceive that, for a great while at least, there will be no difficulty in applying the whole of the surplus which may arise in purchasing goods, the produce or manufacture of Ireland, for the use of the navy, such as stores or provisions. As far as this goes, there is no objection to its being either declared by a resolution, or by a general clause in the Act of Appropriation which will be necessary, that the fund shall be employed in this manner to as great an extent as the nature of the service will admit, and your Grace will find in the annexed propositions some words proposed for this purpose. With regard to the application of the money from time to time, His Majesty's Ministers conceive that if the issue of it is made by warrant from your Grace in such a manner as to render the persons receiving it accountable in Ireland, according to the forms of your Exchequer, and if a list of all the specific issues

is kept to be laid before Parliament annually, or whenever it is called for, that the principal objections which have been started will vanish, and after consenting to this modification, His Majesty's Ministers cannot but trust—especially considering what is stated to them of the strength of Government in both Houses—that by perseverance and address, the main object will be secured without further difficulty. On this supposition the mode of contribution would stand thus:—

"The surplus of the hereditary revenue would be set aside by the authority of the Irish Parliament to be applied from time to time by the warrants of the Lord Lieutenant to naval services. Of these, the purchase of provisions and stores would be selected as long as the fund does not exceed the amount of the supply that can be furnished. These warrants might be issued in consequence of a King's letter or such communication from hence as might be found most proper to persons who contract to furnish the navy with articles, the produce of Ireland. These contractors would be accountable to Ireland for the money so received, and would discharge themselves by proving the delivery of the stores to a naval commissary, or any proper officer. The stores themselves would then be under the direction of our Admiralty, to be applied to the general service of the Empire. The list of these warrants annually produced would give Parliament the opportunity of seeing that the money has been applied to the general objects for which it will have been appropriated by their authority, and will also shew whether it has been employed as far as possible in articles of their own manufacture and produce. Whenever the fund should produce more than the amount of what could be thus supplied, it might be employed in raising seamen, in paying wages due to seamen resident in Ireland, or in any other way which would secure its being expended in that country. If ever any of it came to be remitted hither it would only be after performing these services, and would then be but a small part of a fund, the whole of which results from the augmentation of the national wealth; consequently there would be but little to be apprehended on any possible supposition from the money being carried out of the country. And in all cases alike, the person to whom the money is immediately issued would become accountable in Ireland, and every issue would be brought under the notice of the Irish Parliament.

"The result then is, that if this plan be adopted the future increase of the hereditary revenue—a fund now perpetual, and entrusted to the general discretion of the crown—would be appropriated once for all by the authority of the Irish Parliament, for the security of those very objects on which such an increase, and with it the general prosperity of Ireland, must depend. It would become the means of furnishing that contribution to the common cause which Ireland owes on every principle of justice. It would be applied not only for the general good, but as far as objects could be found for it, in the manner most beneficial to Ireland, and this under the constant inspection of the Parliament of that kingdom, and bringing the issues to be legally accounted for in their Exchequer; and further, it would have the effect of making the supplies for the expences of the Government more certainly dependant on Parliament, by preventing the increase of the hereditary revenue being applied, as it otherwise might in that country, without their intervention.

"It seems impossible if the readiness expressed by Ireland to contribute is anything more than empty profession, that such a mode as this should not appear satisfactory.

"As it is, however, of the utmost importance that the final resolution of the King's servants should be now communicated, to prevent the delay of further reference, there is still one additional modification,

which they are willing to entrust to your Grace's discretion, in the fullest reliance that you will not avail yourself of it, but at the last extremity, and when you are persuaded of the impracticability of making any other proposal without hazarding great permanent mischiefs.

"This is contained in the resolution and clauses No. 2, which in truth reduces the proposition with the difference only of words and of some explanatory resolutions to that last transmitted by Mr. Orde. If it should unfortunately be absolutely necessary to accede to this, it is indispensable to accompany it with the declaration that it will be expedient that the application by Parliament should in the first instance be for the purchase of stores and provisions, these being articles which may be applied to the general service of the navy. I mention this particularly, because your Grace suggests the probability of Parliament applying the money specifically to ships built in Ireland, or cutters stationed on the coast. This ought to be most carefully guarded against for reasons I have alluded to in a former part of my letter. It would in truth have the effect of separating in a marked manner the interest of Ireland from that of Great Britain, and would do away [with] the very idea of contributing to services intended for the general benefit. Indeed even with this explanation, this latter arrangement is one which His Majesty's Ministers can only accede to on the supposition that your Grace's difficulties are otherwise unsurmountable; and from the absolute necessity we feel of securing the contribution in some shape or other, before an idea can be entertained here of bringing forward the commercial arrangements.

"There is another idea, which has been suggested, and which appears more unexceptionable, and would give more compleat satisfaction than perhaps any which can now be devised. His Majesty's servants would prefer it infinitely, not only to the latter, but to the former, of the expedients I have mentioned, and even to the original proposition. I am inclined to believe, that if it is rightly understood, and not at once rejected from the prejudices which I know are entertained on the subject, and which have hitherto prevented its being considered, it would furnish the best solution to all the difficulties which have been stated. The growing surplus of the hereditary revenue, instead of being entrusted to the Lord Lieutenant, or reserved—under all the embarrassments of such a plan—for the occasional application by Parliament, might, at once, by the authority of an Irish Act be appropriated to make a part of a sinking fund for reducing the national debt of this country. It would carry with it the greatest recommendation of the whole scheme, as it would tend certainly, though gradually, to reduce those burthens, the weight of which is a great and just objection on our part to the system, in other respects so desireable, of perfect equality in trade. I am aware that the Irish object to being called upon to pay off any part of our present debt, yet surely the consideration I have mentioned make the idea itself reasonable, and at all events whatever they contribute must tend either directly or indirectly to enable us to discharge it. The only question therefore ought to be whether it is simpler and easier to do this by a direct appropriation to the object, or by producing the same effect from any other mode of contribution. There seems no doubt that this direct appropriation is the simplest. It will also be so much the more popular in this country, as to make the effect of the contribution tell for double or treble its amount, which ought not to be an indifferent object to Ireland. It seems also compleatly to steer clear of any constitutional jealousy. The appropriation would be permanent and final under the authority of the Irish Parliament. The utmost length of the interference

of England would be in regulating how and in what order it should be applied to the purchase of stock, in which it should naturally follow the same course as any fund that may be created for the same purpose in this country. There would be no difficulty in establishing by agreement some form of certificate—for instance, from the Bank of England—to be annually laid before the Irish Parliament stating the actual application of it, and its effect in the reduction of the debt. The very nature of such compact would, more than any other possible plan, render a sinking fund sacred and inviolable. The effect this would have on our credit would be at once the most substantial security to the Empire at large, and the progress in operation of such a fund in the course of no great number of years, would render this country capable of sustaining a far greater proportion of future burthens, and consequently, in case of emergency, make it less necessary to call upon Ireland for extraordinary assistance. With all these advantages in favor of this scheme, and considering the safety and facility of its execution, I will not despair that your Grace may find it possible to carry it into effect, the only difficulty I see in the way of it is from the circumstance of the money being carried out of Ireland; but then it will be carried, as I have before urged, for a specific purpose, approved of by the Irish Parliament, and not to be applied at the discretion of this country, which I take to be a much more forcible consideration in Ireland than the other. It is also to be remembered in this view, as well as in every part of the plan, that the money to be thus carried out would only be a part of the augmented treasure of Ireland, and that their national wealth must encrease at the same time in a proportion so infinitely greater that this can never be considered as a grievance, and it must particularly be added that this very augmentation of wealth will flow from a system of perfect equality in commerce. That the contribution thus sent would be nothing like a proportional equality in burthens; and that without some such contribution, the whole system considered together would be gross inequality and partiality in favor of Ireland, and against England. Neither will it be true that the effect of this scheme will be to drain Ireland of so much money, which, according to any other mode of contribution, would be kept in it. Because, even supposing the plan stated in the papers No. 2 to be adopted, the effect will be that, the money raised in Ireland being expended in provisions, the money will not be sent for that purpose which would otherwise be sent from hence; and the money remitted thither this war, will for a considerable time at least be more than the money carried out to be applied to the sinking fund. A draught of resolutions No. 3 is transmitted, which is formed on the idea I have now explained. Upon the whole, your Grace must judge of its practicability if it can by any possible means be carried, it will be the most fortunate completion of this great and important business.

"There is another subject, which applies equally to any of the alternatives which may be adopted. It is stated that though the original grant of the hereditary revenue, and the regulations then made for its collection are perpetual, yet its actual collection at present depends on many additional laws, which have been passed since, and are from time to time renewed by Parliament. It seems impossible to suppose, when the fund is thus appropriated, that there can be any objection to make those laws perpetual, as the appropriation would otherwise be in a great measure illusory. It is therefore recommended to your Grace to consider it as indispensable that this point should be immediately settled.

"Your Grace will perceive that of the three projects, the substance of which is herewith transmitted, the last is that which is by far the

most desireable. If that is unattainable, you are to use your utmost exertions to procure the adoption of that marked No. 1, and it is only in case of unavoidable necessity that you are to have recourse to that marked No. 2, which His Majesty's servants cannot accede to but as a last resource.

"It is not intended to press the particular form of words in any of these resolutions, provided the substance is fully preserved, but your Grace will undoubtedly be sensible that these expressions, which mark that the contribution is intended for the general benefit and not merely for local purposes—or some equivalent to them—are held to be of substantial importance." *Signed. Marked* "Most secret and confidential."

Lord Sydney to the Duke of Rutland.

1785, February 1. Whitehall.—"I hope that among the propositions one at least will be received without reluctance. To be sure the third is the most desireable one, the simplest and by far the most advantageous to both countrys. But I am not so blind to the disposition of the present times as to suppose that those qualitys are likely to preponderate, if speculation, caprice, or prejudice, or the interest or ambition of individuals should be placed in the opposite scale. Therefore I shall not be surprised if this, which is clearly the best for both kingdoms, collectively and individually, is the least palatable of the three propositions.

"From the same mode of reasoning I apprehend the second to be the most so. But if Your Grace is at last reduced by necessity to come down to that, precautions must be taken against so forming the resolutions for the services to which the surplus is to be applied, that they may end in what I should call an Irish Naval Militia; for under that description I should rank frigates, cutters, etc., whose service would be confined to the coasts of Ireland only, and which could not be at any time called off that station to the general naval service of the Empire."

We are not without our difficulties on this subject, "and serious ones too. It may not be difficult to raise a cry among our manufacturers against the bargain — if the times furnish them factions enough to attempt it, and when that cry is raised, there is no knowing how far the discontent may spread." We flatter ourselves from your letters that you will succeed with one of these propositions; we hope we shall find the people of this country contented with it. The third, by the real advantage which it would afford by its support to the public credit would certainly be the most acceptable; but without some one of these propositions being received, I really think that the whole will be suspended—an event much to be dreaded.

I have seen the Primate within these few days. "He is eager, as usual, to disarm the Roman Catholics, without which measure he thinks the country cannot be safe. He mentioned with particular jealousy likewise, an attempt made last year to introduce the Roman Catholics into the College of Dublin by the Provost. I mean the clause in a bill to enable persons of any country or *any religion* to hold the lay professorships. I ventured to say to him that I did not believe any such measure was at present intended." *Marked* "Secret and separate."

* William Pitt to the Duke of Rutland.

1785, February 1. Downing Street.—[*Correspondence, p.* 90.]

Lord Sydney to the Duke of Rutland.

1785, February 4. Whitehall.—Concerning a petition of Lord Germanstone, which has been referred to the Lord Lieutenant, and expressing anxiety to hear from him on the great point.

The Duke of Rutland to William Pitt.

1785, February 6, Monday. Dublin Castle.—"Mr. Gardiner is satisfied as to his peerage, as he will stand the first of those to be recommended as my nominations to that honour. I am sorry there has been a confusion and mistake which give Lord Buckingham concern. But Lord Northington put into my hands four names *only*, to which I understood the faith of Government was *alone* pledged, and, constituted in my present circumstances, I cannot without embarrassment exceed that number.

"Now I am on the subject of peerages, I must represent how essential it will be for the interest of the King's Government for me to have the power of engaging *distinctly and with precision* a promotion of marquisses limited to those persons whose names have already been intimated to His Majesty. The creation of that order would become a link to connect the chain which is at present as it were broken.

"The Duke of Leinster has leagued himself to faction beyond redemption. I scarcely know the possible pressure of events which could induce me to apply to him again; it therefore leaves Lord Mornington without a competitor, and he seems determined to dip himself deep in all our measures, and pledge himself to an honorable and unqualified support of Government. I hope the accession of the two vice-treasurerships to Ireland will soon take place, that his services and claims may not remain unattended to, and that other essential arrangements may be produced to afford facility to our affairs.

"Mr. Orde has had a *lucky* cold, which obliged him to postpone his resolutions till this day, when they will come on with[out] fail. I confess I dread the consequences. There is scarcely a man in the country who does not embark with fear and with a heavy heart. *Avertant omina!* If this system succeeds, and if the clamours and their mischievous effects should be confined to *faction, hypocrisy, and sedition*, and be easily overpowered, I will acknowledge in this instance, as I do in all others, the truth and correctness of your almost infallible judgement. But on the contrary, should the spirit of dissatisfaction be extended to the judicious and moderate, should the singular combination of circumstances produce discontent in both countries, so that your administration may be *shaken* and my Government *undone*, you will do me the justice at least to allow that in all the stages of this difficult and important business, I have stated to you in the most express terms the consequences probable to ensue. I have admonished, forewarned, and deprecated." *Press copy.*

Postscript. "The House is up, and the consideration of the business is adjourned to Friday. Mr. Orde explained his propositions in a most correct and masterly manner, much to his credit. Mr. Brownlow, on the statement of the proposition relating to the surplus, rose, and with an unjustifyable heat and passion, arraigned it in terms the most inflamatory and violent that could be imagined. He went so far as to say, that it would be a proof of the humanity of the country if the mover of such an injurious proposition should be suffered to return alive to his employer. With the impression of these words, Mr. Flood wished to adjourn the House, but he was overruled. On the whole, I confess my

opinion grows on this delicate business, and I hope it will be carried decisively. Mr. Brownlow explained, and acknowledged he had been involved in an error. The House expressed much indignation at his language. A full account of to-night's debate I shall send by this post to Lord Sydney. Once more adieu." *Draft, on separate paper, marked* "Private."

The Duke of Rutland to Lord Sydney.

1785, February 7. Dublin Castle.—On Saturday I received your despatch of the 1st. As I could receive no further instructions, I resolved not to trouble you on the subject until I could inform you how the propositions have been received in the House of Commons.

Mr. Orde to day stated the resolutions, of which I send you a copy, to the committee. They are to be printed, and the consideration of them is fixed for Friday next. You will see they do not differ essentially from those I received from you. The last resolution is framed in such a manner as gives an opportunity to understand the temper of the House, and to frame the Bill upon the resolution in such manner as shall be found most practicable and advantageous.

"Mr. Orde gave a general idea of the principles upon which the adjustment is to be formed, and adverted to that part of my speech which spoke of the common interest of the two kingdoms in foreign treaties as holding out to the world the determined union of these kingdoms in affection and interest. As he stated each resolution separately, he enlarged upon the special benefits which Ireland would receive from these concessions on the part of Great Britain. He then stated the condition of England, oppressed with taxes and a heavy debt, the protection that she afforded to the trade of Ireland, and the propriety of giving some portion of the revenues which will arise from the extension of the Irish trade to the support of that navy, whose protection was necessary to secure to her the full enjoyment of it. He then brought forward the last resolution.

"Mr. Brownlow rose with much heat, and declared he could hardly repress his indignation to the end of Mr. Orde's speech, and was astonished at his hardiness in proposing a resolution tending to make this a tributary nation to Great Britain. He said that such terms had been held out to America, and that Ireland had equal spirit to reject them. He went so far as to say that it was happy for Mr. Orde that he was now in a country remarkable for humanity, and that if he had proposed such a measure in a Polish Diet, he could not have escaped with his life. He said that these words from Virgil, *Timeo Danaos et dona ferentes*, were often quoted, but that he did not fear, and that if the gifts of Britain were to be accompanied with such a mark of the slavery of Ireland, he would hurl the gifts back to those who offered them. He admitted, however, the advantages of all the other propositions, and was ready to accept them with due acknowledgement.

"Mr. Orde expressed his astonishment at such a perversion of the meaning of the proposition. He observed that the grant was to be appropriated as the Parliament of this kingdom should direct; that it was to go towards the support of the navy, for the protection of this kingdom in common with the rest of the Empire, and asked him whether he expected that Ireland should participate with Great Britain in every advantage and not in expense."

Mr. Gardiner, Mr. Conyngham, and Mr. Foster also spoke. The debate "will shew you with what sudden warmth the idea was resisted

of subjecting part of the revenues of this kingdom to any authority but that of the Parliament of Ireland, and will prove to you how impossible it would have been to have adopted the resolution No. 3, inclosed in your Lordship's letter.

"I have now time to discover how the surplus of hereditary revenue may be appropriated with the best advantage; but I apprehend it will be necessary to make it subject to the controul of Parliament."

I have rather favourable hopes of the success of the whole measure as it is now stated, but I cannot yet speak positively. In conversation I have used your argument, that the contribution would only have effect in the event of actual improvement in the trade of Ireland in consequence of the British grants. "It will therefore be indispensably necessary to take the nearest period to the present time for making that standard of hereditary revenue, from which the future surplus is to be estimated." *Copy.*

Commercial Resolutions.

1785, February 7.—The original resolutions laid before the Irish House of Commons. *Printed.*

The Marquess of Lothian to the Duke [of Rutland].

1785, February 8. London.—A friendly letter.

The Duke of Rutland to Lord Sydney.

1785, February 9.—Recommending General Cunningham for promotion in the place of General Preston on the ground of the support which he has rendered to Government. *Draft, marked* "Private."

Daniel Pulteney to the Duke [of Rutland].

[1785,] February 10, Thursday. Fludyer Street.—"In continuation of the letter I had the honor to send your Grace last night, I shall add a few words on the subject, which your Grace would not perhaps collect from the papers. Your Grace will see that, contrary to the wish of all his real friends, and only supported by Dundas, Lord Mulgrave, and Bearcroft, Pitt persevered in this cursed business, to the disgust of twenty or thirty of his most independent supporters, and the numbers against us were 135 to 174, a very different division from what we have hitherto experienced, and which furnished them with so much triumph that they naturally followed it up this morning with an air of insult, and gave intimation at 6 o'clock that this business should come on in some shape or other every week, and congratulating themselves that everyone foresaw it could not last through the sessions.

"The consequence of this will be trifling if Pitt will *now* recede, and agree to order the return; but I clearly foresee, and, indeed, have almost heard as much from several, that many will form a very different idea of the Administration if such an odious business is forced down by a small majority; and no one can pretend—when this affair is tacked to the Reform Bill—to say what real strength the coalition may possess towards the end of the session. I hope, however, Pitt will be better advised. I don't possess intimacy enough with Lord Chatham to tell him what I know it is Pitt's interest to do, from my acquaintance with

most of our deserters on this question ; and I very much fear, from the astonishing zeal and abilities which Pitt shewed in the debate, that he, Dundas, and Lord Mulgrave, are resolved to carry their point. I do not pretend to guess what this can arise from, whether out of gratitude to Sir Cecil Wray or out of respect to the Dukes of Northumberland and Newcastle; I must, of course, suspect the latter, from the lead Lord Mulgrave takes in it, and from the most marked indifference which Jenkinson shewed by falling, or affecting to fall, asleep whilst Lord Mulgrave and Dundas were speaking ; besides an intimation I heard from one of his friends that he had not scrupled to call it a very silly business. I never before heard a debate so ably conducted, being entirely confined to the principals. Fox and Pitt, however, had the chief merit, for though Dundas, Lord North, and Lord Mulgrave spoke an hour and half each, I think they were very moderate indeed.

" Mr. Yorke told me some circumstances of the Cambridge Committee, having quoted their past resolutions to Sir H. Peyton respecting a reform ; he treated it, however, very lightly himself, and there is no sort of chance that we shall not be beat between three to two and two to one, according to my calculation from the Red Book ; but still this is mischievous to Pitt, who ought to know the *real public* opinion better, and who should not pretend to offer such resolutions to the present *virtuous* house as Dundas and Mulgrave were used to propose to Lord North's majorities of Whitworth, &c. The argument that would have weighed most with me in the debate of this morning, if I had not long ago been convinced upon it, and which, because not a long one, I venture to mention to your Grace, was, ' If a returning officer is justified in delaying his return, because the majority for either candidate at the poll is less than he in his conscience believes the bad votes there given would amount to, a partial or even a scrupulous returning officer might have kept London, where the election was decided by seven, Bedfordshire, where decided by one, Southwark, where by eleven only, &c., not only unrepresented for a year or two, but might inevitably ruin all the candidates,' and, as Fox added, according to this new reform, at the meeting of Parliament half the populous places might be unrepresented, and the returns completed only at such places as Old Sarum and Midhurst ; he did not presume to say Bramber. I beg your Grace's pardon for this long letter, wrote without having been in bed, and the inaccuracies, &c., of which your Grace will excuse from my wish to give your Grace an early intimation of this debate, in which, for the first time, I think I have discovered any symptoms of much importance, which, however, are only in their infancy, and which, if Pitt does not irritate, will subside again without much mischief."

The Duke of Rutland to Lord Sydney.

1785, February 12. Dublin Castle.—The Committee of the House entered yesterday on the consideration of the plan of commercial arrangement, and sat until near four this morning. The resolutions which they adopted are ordered to be reported, and will be transmitted with an address to His Majesty. I send you a copy of the resolutions with the alterations as made in the last resolution, and an additional resolution to precede the last. I trust His Majesty will approve of my admitting these alterations, when I state my reasons for having done so.

" Mr. Grattan having expressed his disapprobation of the last resolution, Mr. Orde had a long conversation with him, in which, though he admitted the fairness of the other propositions, no argument could move him to consent to the appropriation of the surplus for the purposes of the Empire, until Ireland should be free from all burthen of debt,

Your Lordship is not unacquainted with Mr. Grattan's character, and experience has shewn to what effect he can exercise his abilities when a strong ground of popularity is given him to stand upon. Mr. Foster was therefore requested to talk with him upon the subject, and use his best endeavors to convince him of the impolicy of his opposition at such a critical time. Their conversations produced nothing but a very strong letter from Mr. Grattan, written from his country villa, full of the most pointed objections to the measure," and of his resolution to oppose it.

Mr. Orde saw him again on Thursday, and urged the matter with the utmost earnestness, but "Mr. Grattan remained obstinate in his opinion, unless the expenses of government should be made equal to its revenues. He said he knew this to be the opinion of every intelligent and knowing man with whom he had communicated upon the subject, that he had talked it over with many, and that without some condition of that nature, he foresaw the defeat of the measure in Parliament and the violent resentment of an exasperated people, to whom Government would by this step become to the last degree obnoxious; that, for his part, he was decided that the conduct he should follow was due from him to the nation, and that he should state his opinion to Parliament with such arguments as, he was convinced, would render it impossible for any honest man who pretended to the slightest regard of his country to support the measure. He warned Mr. Orde that the gentlemen highest in office and confidence . . . . were cordially indisposed to it. He thought the present system of carrying on Government by accumulated loans was highly ruinous, and though Mr. Orde might hope for their support in Parliament, yet he knew they thought it not defensible by any argument. He conjured Mr. Orde not to deceive himself, but to see the chief friends of Government and know explicitly their opinions."

Mr. Orde was already well aware that several of the most zealous friends of Government thought ill of the policy of the measure, and thought it best not to call them together for such a purpose, but he mentioned to the law officers of the Crown, while engaged upon other matters, that Mr. Grattan continued his objections, when they all burst out with entreaties that that proposition might be revised, and that some time should be given to it to avoid the strong objection against bringing it in while the present income of the nation fell so much short of the expense of Government. They offered to raise the revenues by additional taxes to equalize the charges of Government, and avowed, while individually they allowed the propriety of giving the assistance required by Great Britain, that if it were not done in some such mode as they recommended, they could not combat Mr. Grattan's arguments in the face of the country; and if the measure were carried by the influence of Government, a foundation would be laid for such a strength of opposition in Parliament and for such dissatisfaction as might end in the subversion of peace and harmony, in disappointment of all the good effects to be expected from the measure, and in universal disinclination to the Government. Mr. Orde declared the impossibility of yielding, "but they charged him to consider that the settlement of this country and the permanency of her attachment to Great Britain was now in the hands of Government, upon whom must fall the responsibility if they neglected to attend to the decided counsels of the strongest and best friends to British government in this kingdom; that they desired to pledge themselves for the success of what they had proposed, and Government must stand responsible for the failure if they neglected the advice now given them by their most cordial and attached friends; and

having given their idea in writing, by drawing up the resolutions in the form in which they thought they ought to be proposed, they left the paper with him, declaring that it should be followed with a statement of their advice upon paper."

The House of Commons was to meet within an hour—no time was to be lost; and having regard to the spirit of your secret letter of the 1st inst., and how fully the present proposition goes to "the establishment of a fixed mode by which Ireland may contribute in time of peace, according to the increase of her wealth, to the protection of the general interest," I did not hesitate to adopt the mode proposed. You will observe "that the idea of Ireland contributing *only* to the support of the services *for her own immediate and separate benefit* is positively and explicitly excluded, and that the object of contribution is distinctly provided for in the surplus of the gross produce of the hereditary revenue, after deducting drawbacks, repayments, or bounties granted in the nature of drawbacks." You will observe, also, "that as the surplus is granted in time of peace upon a principle which insures the equalization of the revenues with the expenses, and as such a principle of equality is professedly not to be regarded in time of war, a clear consequence follows that the grant of the surplus will not interfere with the present assistances which may be necessary for Ireland to afford to the common cause in time of war." The security of the surplus towards the support of the navy will be in the hands of His Majesty's Government, whose care it must be that no unwarrantable excess of expense shall intrench upon that equality. *Copy, marked* "Most secret."

Commercial Resolutions.

1785, February 11.—The Resolutions as amended by the Committee of the House of Commons. *The amendments are in manuscript.*

Daniel Pulteney to the Duke [of Rutland].

1785, February 14. Fludyer Street.—On some conversation arising today in the House of Commons relating to a petition from the Westminster electors, Fox took an opportunity, in giving up his intended day to Pitt, of saying that he was happy to yield up anything to an object so important as the regulation of commerce with Ireland. "It has for some time appeared to me that, for every purpose except entertaining the galleries, Jenkinson, Atkinson, the Contractor, and Dundas possess almost all the good sense in the House." "Though the coalition is still so unpopular here that we have no enemy, we have no friend who will walk across the street to support the necessary business; and the public affairs have been stopped three days, notwithstanding all the exertions of the Treasury, and the town full of members, because they could not bring down enough for a ballot." I need not say your Grace's friends are in constant attendance, and, from many circumstances in my observation, I may add that "the present Ministry could no more exist without your Grace than it could without Mr. Pitt."

The Duke of Rutland to Lord Sydney.

1785, February 15. Dublin Castle.—Since receiving your secret letter of 11th January, I have given all possible attention to the subject of the establishment of a national militia. I have consulted the Commander-in-Chief and some military and other friends, and shall,

without delay, send you a sketch of the plan and a general idea of the Bill to be brought into Parliament for the purpose. If approved, you will return me His Majesty's commands with all possible expedition, as, from the turn of last night's debate, it is become necessary to introduce it without delay.

The measure has been approved by the friends of Government, to whom I have opened it; and the present time is deemed the most opportune.

It became necessary in the Committee of Supply to bring forward financial proposals for the purpose of the militia. In order to render it effectual, it was necessary to provide a supply for the expense, and as the Committee of Supply sat yesterday, the moving it immediately in the Committee became indispensable. As soon, therefore, as the numbers of the army were voted, Mr. Gardiner observed to the Committee that the Militia Bill was expired, and having declared his intention of bringing in a new bill, he proposed a resolution for a grant of 20,000*l.* for raising and clothing a militia in such manner as Parliament shall direct. The motion was supported by Mr. Hayes, Mr. Ogle, Sir Lucius O'Brien, and Mr. Warburton. A debate ensued, in which the commendation of the volunteers grew so strong, and the charge upon Government of an intention to suppress them was made so directly, that it was in vain to attempt keeping them out of the debate. The speeches on the part of the Opposition were animated and inflammatory. "The conduct of the volunteers was painted in the most brilliant colours, their numbers, power, and spirit described with great strength of expression. The impossibility of suppressing them by the power of Government was insisted upon, and the establishment of the intended militia declared to be dangerous to the constitution and to the liberties of the people." The measure was defended on our side with spirit. Due compliments were paid to the original volunteers, but it was observed how much they had degenerated; that they had joined in insulting Parliament and endeavouring to subvert the constitution; that many of the corps consisted of Papists or of the lowest of the people, who ought not to be trusted with arms and the liberty of embodying themselves; that they had ruined the credit of the country; and that they had disturbed the peace and industry of the people; and that should they be permitted to proceed, they would become the State and the Parliament would be the subjects. Mr. Grattan, who closed the debate, "rejoiced that there was now a Parliament and a Government who could stand upon their character and command tranquillity."

The impression made by the open and spirited declaration of gentlemen of the first consequence in the kingdom is highly satisfactory. The country has long been subjected to bodies of men "whose power in each neighbourhood was supreme, whose humour was at all times to be soothed, whose enmity was dangerous, and whose friendship was burthensome. I have therefore no doubt that however some few may be exasperated at the fall of this foundation of their popularity, the country in general will be delighted at finding themselves again under the protection of the laws in the hands of a legal Government responsible for the propriety of its conduct." I do not see any prospect of disturbances from what has happened. *Copy, marked* "Secret."

Lord Sydney to the Duke [of Rutland].

1785, February 16. Albemarle Street.—Your letter of the 9th gave me reason to believe that your business went on prosperously. I think the men of property and consequence seem to have taken the part which every interest ought to excite them to. I hope they will persevere

till Ireland reaps the benefit. You will receive with this an official letter acquainting you with the promotions in consequence of General Preston's death. I hope General Cunningham will see this in its true light. "The promotion is made with the view of accommodating Lord Lincoln. These things cannot be avoided." If the vacancy had been in Ireland, I believe it would have been otherwise. The King has him in remembrance, and is satisfied with his behaviour in the present crisis. I think General St. Leger's turn is not far off, though not so near as could be wished.

[The Duke of Rutland] to Lord Sydney.

1785, February 20. Dublin Castle.—My official letter tells you of our triumph on the militia question. I am now sanguine, in a short time, of completing the abolition of the volunteer army and the restoration of the sword to the executive. The weight of property and ability which came forward in support of Government will tend to secure this measure being carried out with very little, if any, disturbance. I have no doubt "that the real and effective influence of the country will unite their exertions with mine to suppress every tendency to sedition.

"Mr. Flood, with unparall[el]ed effrontery, dispersed a seditious handbill requesting a corps which he commands to meet as this day at the Exchange, when he marched out at the head of near two hundred men. I confess myself to be rather pleased with this insolence, which, I trust, will have a useful effect, and will greatly facilitate the objects of Government, as many even of the abettors of these illegal combinations seem to deprecate each circumstance which bears the semblance of violence. In short, my good Lord, we have the fairest prospect of success. We are going full before a propitious gale, and if we do not carry too much sail, but are moderate and cautious in the management of the vessel, I have no doubt but we shall conduct it safe into port. When all the essential objects of this session are accomplished, I trust that Ireland will be rendered of perpetual and increasing advantage to Great Britain, and will become a useful member of the Empire." *Draft.*

Lord Rodney to Lord Sydney.

1785, February 20. Hertford Street.—Complaining of the retention of part of his Irish pension on account of his residing out of Ireland.

Lord Sydney to the Duke [of Rutland].

1785, February 21. Whitehall.—I shall to-morrow or next day write fully as to the views of the Ministry on the last resolution. Meantime, I must tell you that the alteration which has been made seems to render the application of the surplus entirely precarious. We are persuaded that it cannot be the intention of the Parliament of Ireland to render that part of the system less secure than the commercial arrangement. But it will be impossible to expect the Parliament of this country to give their final approbation to the commercial arrangement merely in confidence that Ireland will provide effectually for the application from year to year of the surplus.

"I conceive, therefore, that some more explicit and satisfactory declaration will be necessary from the Parliament of Ireland before any step can be conclusively taken here on the subject. All, therefore, that we shall probably propose at present will be to declare in general

our readiness to give Ireland a full participation of commercial advantages, and to open the substance of the propositions which have been agreed to in your Parliament, and which are considered as a sufficient basis of the final adjustment between the two countries. I do not apprehend that the Parliament of this country will proceed further till the important point of contribution is more distinctly ascertained. We mean, however, that the question shall be opened in the most conciliatory manner." "I am very sorry to add that every possible endeavour is used by Mr. Fox, Lord North, Lord Stormont, and their adherents to render this measure unpopular, and when you consider how easy it is to alarm many different bodys of people for their own immediate interests, you will not be surprised to find that they have some success." *Marked* "Secret and separate."

LORD SYDNEY to the DUKE [OF RUTLAND].

1785, February 21. Whitehall.—Forwarding recommendations of Mr. Hardinge.

The MARQUESS OF CARMARTHEN to the DUKE [OF RUTLAND].

1785, February 22. St. James's.—Recommending Lieutenant-Colonel Yorke for promotion.

* WILLIAM PITT to the DUKE OF RUTLAND.

1785, February 24. Downing Street.—[*Correspondence, p.* 95.]

The MARQUESS OF LOTHIAN to the DUKE OF [RUTLAND].

1785, February 24.—I congratulate you on carrying your [Militia] Bill. I hope you will be supported, both here and in Ireland, in the rest of your measures. I have by no means laid aside my intention of seeing you in Ireland.

The DUKE OF RUTLAND to LORD SYDNEY.

1785, February 25. Dublin Castle.—The messenger has just delivered to me your secret and separate letter of the 21st, and I must not delay to rectify the misconception that the contribution of the surplus of the hereditary revenues to be appropriated towards the support of the naval force of the Empire by the last of the resolutions, stands upon a precarious footing.

The resolutions, taken altogether, form one general system, of which any one part being broken, the whole is destroyed. They are accompanied with an address from both Houses, declaring that they contain the principles upon which the commercial interests of the two nations are to be finally established. I appeal to you whether it is possible to doubt that the contribution is one indispensable principle of this compact. As to the opposition which must be expected to this or any other adjustment between the two kingdoms, what description of men in England can complain? Not the manufacturers, for the ports of Ireland must be for ever open to them. The East India Company will not complain. The West India merchants cannot justly complain, for the West India trade was granted to Ireland in a former administration; and as to the alteration of the Navigation Act, that trade cannot be much

affected by it while the property of the island is in the hands of the British merchant.

"I can very inadequately describe to your Lordship the many anxieties which oppress me upon the least idea that the strength of opposition should be sufficient to overturn or even stop the adjustment hitherto so happily brought forward. Should any ill-fate attend it, there is an end to the settlement of this country, of which yesterday I had so clear and fair a prospect. The conciliation of many friends to Government; the silencing dissatisfaction among merchants and traders; the stopping idle pursuits upon constitutional subjects; the restoring the country to peace and industry, and the removing that perpetual source of disquiet which could never be stopped while bodies of armed men exist in the kingdom, not subject to any authority or control—all this I hoped to see effected, and if England can be mad enough to sacrifice all these great objects, and withdraw from a compact, fair in its principles, and from which she must receive instant advantages, I desire your Lordship will not suffer the failure to be placed to the account of a suspicion for which there is no foundation in fact, and which implies no less than the injurious opinion of an entire want of public faith and of the utmost imbecility in administration." *Copy, marked* "Secret."

The Duke of Rutland to Lord Sydney.

1785, February 25.—"The receipt of your letter of the 21st has affected me extremely. Should any embarrassment arise from the latitude which, from necessity, I was obliged to take, or should any doubt be formed of the sincerity of the Irish nation, it might be attended with the most fatal consequences. I hope if the business fails it cannot be attributed to either of these principles. I am satisfied, in my own breast, that the concession which I made to procure a quiet admission of the propositions cannot be detrimental to England. The engagement to equalise the revenues to the expences is part of a compact, and if that part is broken, the whole compact would naturally fall to the ground. No tax can in future be laid which in any shape can injure the hereditary revenue." I hope, upon the whole, therefore, the concession will not be considered as unwise, nor the objects which it was intended to obtain—an indissoluble amity and an unequivocal union of interest—be deemed as unimportant. Taxes, in consequence, to the amount of 140,000*l.*, have already been voted without a murmur. It would be therefore unfair and impolitic to put the failure of the business on a doubt of the honour and correctness of Ireland. Your difficulties, I trust, you will not find so great as you apprehend; but whatever they may be, I am persuaded the *tenth resolution* is the least of them. *Draft, marked* "Secret and separate."

Daniel Pulteney to the Duke [of Rutland].

1785, February 28. Fludyer Street.—I have not had time to read the papers I enclose, but assume that Pitt's speech is pretty exact. It will naturally occur to you that "the arguments in a House of Commons must be very different on the two sides of the water."

I can *assure* you on very good authority—in spite of all you will read or hear—"if Ireland—with whom England does not mean to *marchander*, like two pedlars—will substantiate the application of the overplus by precautions against its failure or anticipation, there will be no reluctance

in the Parliament of this country, notwithstanding all the clamors, advertisements, and God knows what other party symptoms of discontent, that may break out here."

JOHN MORTLOCK to the DUKE [OF RUTLAND].

[1785,] February. Fludyer Street.—Stating that he has discharged every engagement of his banking house, and has real property clear to the amount of 33,000*l.*; and asking for the Duke's influence to have his partner, Mr. Francis, continued in the office of Receiver-General (for Cambridgeshire).

* WILLIAM PITT to the DUKE OF RUTLAND.

1785, March 1, Tuesday night. Downing Street.—[*Correspondence, p.* 98.]

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1785,] March 2. Fludyer Street.—The Irish business has been unavoidably postponed. Mr. Macnamara has mentioned to me that he has attended the meetings of the West India merchants, and though at first almost alone, has brought over a considerable party, and got some of their strongest resolutions rejected or softened. He conveys to me the idea that the clamour without doors against the Irish terms—if agreed to—will not be so great as was expected, and there is no doubt as to our numbers within.

LORD SYDNEY to the DUKE [OF RUTLAND].

1785, March 3. Whitehall.—I have shared the anxiety you express in your letter of the 23rd, and feel how strong your claims are at the present moment to the attention of the Ministry. I hope—from the conversation of Mr. Cooke—that our modifications of the business which I transmit to you with my official letter will be received favourably by the Irish Parliament. I do not think we can be accused of an unreasonable degree of jealousy. "As individuals, we are willing to confide in the Irish Parliament, but when two countrys are treating, everything ought to receive a permanent settlement, and nothing be left open to the chance of a future discussion. Mr. Cooke seems to think that the alteration made in the form of the Irish part of this business will not be unacceptable." I trust he is founded in expectation of success. Indeed, when I consider the magnitude of the business, I am "more inclined to wonder that we have so little difference than that this one has arisen. To your Grace's address, perseverance, and activity, I am inclined to ascribe this fortunate circumstance," not forgetting to give due merit to the gentlemen in the service of Government in Ireland; and credit must also be given to the honourable support of men of character, unconnected with the Government in Parliament. I rather wish than hope the Parliament of Great Britain will exhibit the same honourable scene. We have strong reason to believe that the attempts to get up a popular cry against these measures will fail. *Marked* "Secret and separate."

SIR ROBERT MURRAY KEITH to the DUKE [OF RUTLAND].

1785, March 3. Vienna.—Congratulating him on recovery, and on the hopeful prospects of the Irish administration.

E. Cooke to the Duke [of Rutland].

1785, March 3. London, Nerot's Hotel.—I hope the modification proposed will be admirable and satisfactory. I have steadily represented "that Ireland would not renounce the principle of securing future economy, whilst she was consenting to future permanent and increasing expence. But I would not say that Ireland would refuse to vary the mode of attaining her objects if it were made equally certain with the one proposed. The resolutions already transmitted are considered as inadmissible on the part of Great Britain. It remains to consider whether the alteration suggested is equally inadmissible on the part of Ireland. If that should be the case, it is still hoped that Ireland will not fly back to her first ground, but will recur to some fresh expedient." The fullest justice is due to your conduct on this occasion, and your consenting to an alteration founded on such a wise and beneficial principle is cordially approved. The Cabinet laments the necessity of altering the resolutions, but think that nothing contingent or conditional can be admitted. Mr. Pitt is confident that the compact will succeed notwithstanding the attempts of Opposition. The rumours as to the instability of the Ministry are quite unfounded.

Daniel Pulteney to the Duke [of Rutland].

1785, March 4. Fludyer Street.—I must explain my reasons for voting against the adjournment in opposition to G. Sutton and the Ministry. After the House was well calculated, and a majority had gone out, I joined them, about the 150th person, because, 1stly, the difference of one vote was nothing; 2ndly, I should see and converse with some of our own friends and bring them back on the succeeding question, as actually happened with Colonel Sutton, who has now promised to vote with Pitt on the main question, Monday, of expunging the scrutiny vote from the Journals; 3rdly, I should lessen the opposition triumph, as being notoriously a steady attender on Government divisions, it insinuated they could not carry a question of themselves; and lastly, it would give me an opportunity of speaking in a way to serve Pitt on the next debate, which I certainly should have done on the next question if Fox had not withdrawn it.

On Monday they bring on a question for expunging from the Journals the vote of June, in which J. Sutton and myself shall again undoubtedly rejoin our standard, because what we voted in June we were convinced was legal. Experience having proved its inefficacy, we have voted for its discontinuance; but not believing it to be illegal, we cannot vote for expunging. The Irish business stands for Tuesday. I find no alarm of consequence without doors; even if we are beaten on the expunging question, our majorities are not at all affected on any other occasion. "The explanation to all this is neither more ncr less than that the House of Commons, being at present perhaps *too independent*, that *incorrupt* body has many whims and caprices, and will decide against any minister, sometimes without ill-will to him in the main." Pitt ought to have expected this vote on the scrutiny business; perhaps, after all, he did not dislike getting rid of it, though he certainly acted stoutly enough to appearance in its favour.

The Same to the Same.

1785, March 8. Fludyer Street.—The Irish business is put off today and is to be brought on again Thursday, though Pitt seemed to

think the House could not on that day come to any vote of consequence. Some of the Scotch members have been instructed as to the importation of Irish grain, which Pitt says is not within the meaning of the resolutions. The West India merchants divided to-day 59 to 40 against petitioning Parliament. I hope that we shall divide with a considerable majority. With respect to the expunging business, which Pitt must resist, I have in two or three instances done him material service respecting to-morrow's vote. Our majority will not be so great as on other occasions; but after to-morrow I think things will go smoothly.

Robert Jephson to the Duke [of Rutland].

1785, March 9.—A letter of thanks.

Lord Sydney to the Duke [of Rutland].

1785, March 10. Whitehall.—We are anxiously expecting your answer to mine of 24th ulto. I laid your letter of 28th—though a private one—before the King; who, remarking the paragraph in your own hand relating to Lieutenant General Cunningham's request of returning to the Irish staff, ordered me to write to you upon it. His Majesty thinks that the staff ought to consist of a permanent commander-in-chief, one lieutenant-general, two major-generals of infantry, and one of cavalry, the four latter to be changed every two years; and is willing to nominate General Cunningham to succeed in the autumn on this footing. I am also to consult you *privately* upon the major-generals whom you would wish to succeed to those now on the staff, although he does not consider these nominations within the patronage of the Lord Lieutenant. Pitt beat his virulent adversaries last night on the question of expunging the resolution for the scrutiny, by a majority of 105. *Marked* "Secret and separate."

E. Finch to the Duke [of Rutland].

1785, March 10. London.—Lord Cornwallis has expressed an intention of not taking any person out with him to India under the idea of promotion. I have therefore given up the idea of applying to him. If not immediately required, I should wish to ask leave to stay a little longer in London, but, if necessary, shall return immediately. "Mrs. Fitzherbert goes about in a very plain equipage. She is said to be breeding, but they don't believe in general she is married. Lord L—— certainly could not have been present at the ceremony."

Daniel Pulteney to the Duke [of Rutland].

1785, March 11. Fludyer Street.—"I have only to acquaint your Grace that Pitt brought on to-day the resolution which he meant to move on Tuesday next, and though there was only a thin House, as not expecting any debate, I heard Alderman Watson and some others declare their fixed opinion that no material difficulty would lie in the way of a measure being carried under your Grace's Lieutenancy, which is to all intents and purposes as permanent a junction of the two countries as if a bridge was extended from Holyhead to Dublin. Jenkinson spoke in defence of the Committee of Council in opposition to Fox. Though all parts of the kingdom have been solicited for petitions, we have only one now in three weeks from Manchester, and even the most sanguine in

opposition could not foresee to a certainty that above one or two more would be presented. God knows I have no reason to flatter Pitt, but I think more highly of his conduct every day, and his prudence in this business has been in every respect unexceptionable. I may venture to engage to your Grace *for certainty*, now we have got rid of the scrutiny, that there is no longer any ill humor in the House, and that the resolutions, of which I take it for granted your Grace has all the particulars, will be voted by a great majority. We beat them on the expunging motion by a very sufficient majority, as even amongst their number in that division were twenty at least of our friends."

THOMAS ORDE to the DUKE [OF RUTLAND].

1785, March 12. London.—My journey has been retarded by the bad weather. "I have seen Mr. Pitt and have had a very long conversation with him, and am entirely confirmed in the ideas which we had formed of the single difficulty now remaining in the way of perfect agreement. He contends with very serious earnestness, and assures me —I believe *most truly*—that others are still more positive than he is, that the contribution, an indispensible ingredient in this system, is rendered precarious in some possible events by the condition annexed to it. He continues to be of that mind, although he has seen, and in most respects is extremely pleased with, the Bill, which had been put into his hands yesterday. He is ready to acknowledge that by the grant of the hereditary surplus to His Majesty with only a recommendation of certain preferable articles for the general purposes of the navy, is a great point settled, and removes much of their difficulty; but he nevertheless still continues to apprehend, that the perception of this fund being liable to the chance of diminution by the possible extravagance of Irish Government, is a circumstance which so entirely changes the nature of the security, that the British Parliament cannot consider it as upon the same footing with the rest of the agreement. He cannot admit the sufficiency of responsibility in the Irish Government to satisfy the British Parliament that no excesses of expence will be gone into; but even if that doubt could be obviated, he is not disposed to allow that confidence is in such a case as this a fit security against the possible refusal of the Irish Parliament to make good at any time hereafter even a reasonable exceeding, while they may be under the temptation of throwing it upon the surplus of the hereditary revenue. He does not, *of course*, apprehend any *early* instance of danger from this circumstance, but he is too seriously inclined to maintain his doubt of future possible instances, and at all events thinks that such an uncertainty, however light, should not exist in a compact of this sort, all parts of which ought to be equally permanent and secure. He was surprized at the value which seemed to be set in Ireland upon this check, and thought that the friends of economy and limitation might be well satisfied with some regulations for those purposes unconnected with this agreement.

"I took care in the first place to explain very entirely the cause and object of this condition, and to remove the mistaken idea of its being only intended as one means, which had accidentally occurred, for moderating the extravagance of Government in a general view. I made him sensible that it was taken up as properly and peculiarly belonging to this very point of a contribution, which was considered as an engagement to send money out of the country for purposes not separately those of Irish expence, and therefore ought to be accompanied with a reasonable assurance that this should not happen except when the charges of

the country were also answered. The surplus itself, therefore, had been proposed to be made liable to a condition which Government must be supposed to have it always in its power to prevent from operating to the disadvantage of Great Britain, by its care to keep within the allowed estimate, unless in cases of emergency or unforeseen propriety, in which there could *be no doubt* of a grant from Irish Parliament to make it good. *This* your Grace will at once perceive to be the stumbling block, because there *is a doubt* here of Irish Parliament *hereafter* being, upon caprice or pique or resentment, &c., &c., &c., apt to dispense with reason and to indulge passion, and, having the power, of being too ready to try the exercise of it. Besides, it is asked, How is the British Parliament to judge of the conduct of Irish Government in such a possible case, when upon first view the refusal of the Irish Parliament to make good any exceeding ought perhaps to be taken as a proof that that was no justifiable ground for it? The accounts of Irish expences cannot be brought before a British Parliament and discussed there. I did not find great weight allowed to my argument upon this, that the question could not turn upon general accounts, but upon some particular object of expence, which Irish Parliament would or would not allow to be entitled to a provision in order to prevent its falling upon the surplus of hereditary revenue; that of this the British Parliament could certainly judge so far as to form a decision upon the conduct of Ministers. But it is certain that the chief reliance must be upon the improbability, or the almost impossibility, of the case ever happening. In matters of ordinary expence, the Government certainly could take precautions against excess, and might well be made subject to a check of this kind; and their responsibility to the King, and through His Majesty to the British Parliament, must be considered as a sufficient controul. I did not fail to urge the various circumstances which lessened the hazard of excess without the approbation of Irish Parliament, and particularly that the annual meeting of Parliament left a less interval for the discretion of Government, and that the time of meeting and the date of the public grants, &c., gave another safeguard to the exposing of the hereditary surplus. I pressed, in short, the acknowledgment that under all the circumstances there remained only the single doubt that any excess in cases of real emergency or strong expediency—where it would perhaps be culpable in Government not to incur the risk—would be made good by Irish Parliament, rather than subject the surplus, appropriated to the navy of the Empire, to the discharge of it. Here the matter remains. I wish that I could report to your Grace a better prospect of success. I am to-morrow to see others of the Ministers, and shall most assuredly maintain our ground as firmly as possible. Mr. Pitt has promised to give the matter every consideration in his power with a view to accommodation, and if possible to acquiescence in our proposals.

"I much fear his being thwarted elsewhere, but at present I am ignorant of the state of tempers and reasons, &c. I wish to give the earliest account of my arrival and the first opening of negotiation, and therefore do not wait to add more. I should have mentioned what, however, I trust your Grace would have naturally concluded, that I put in the strongest light to Mr. Pitt the ill consequences of a refusal to admit our propositions as now explained. I sought to convince him that even allowing a *possible*, nay a *probable*, risk of diminution to the surplus upon some particular occasions to discharge any excess in the annual Irish expences, it would be of no moment in comparison of the certain loss which would follow from the rejection of a demand, strongly urged on the part of Ireland, and thought to be only reasonable. I did not fail to mark the situation of the chief friends of Government, nay of

Government itself, in that country, and the fatal overthrow of all other measures, which by this small concession had been advanced to a most promising degree of success."

Daniel Pulteney to the Duke [of Rutland].

[1785,] March 15. Fludyer Street.—The Irish business is to come on to-day with counsel, attendance of Commissioners of Customs and Excise, and, in short, all the obstruction—by way of further light—that opposition could give it by petitions, papers, and evidence. I can assure you that all the resolutions will be carried, though some of the latter may in a trifle or two be modified so as not to deviate from the substance and the spirit of the first, by which the House is to understand itself completely bound.

A strange phenomenon appeared last night, in Barré rising from the Treasury Bench and falling in with the objections of some country gentlemen against the ordnance estimates, and in an able speech abusing the Duke of Richmond, who he knew was in the gallery. This visibly disconcerted Pitt, who went up to the gallery and persuaded the Duke to relinquish his ordnance projects until a more general board than the Ordnance Board had examined their utility. We had no division on account of the compromise. This is all useful to Pitt, but humiliating to the Duke of Richmond, whom, however, Pitt praised to the skies. *Postscript.*—Since writing the above, there has been a ridiculous scene from a motion of Eden's for the attendance of all the Commissioners of Customs and Excise. It was foretold him they could have no information on the subject, and, on his proposing the first question, they answered they had never heard of the Irish proposals except from the newspapers. This occasioned a considerable laugh at Eden's expense, and the House broke up, and it is not yet agreed when we are to proceed. A petition was presented by the electors of Westminster against Fox, which, however, cannot be heard this year, and a more important petition was sent by a committee of traders and manufacturers. The drift of this is sufficiently understood by the sensible part of the House, and if Pitt were ready to proceed, the House is ready to agree to the terms proposed.

Thomas Orde to the Duke [of Rutland].

1785, March 16, Wednesday. London.—I have varied between hopes and fears, and am still at a loss to report the exact situation. The objections which I mentioned in my letter have been repeatedly pressed, and I have answered them as best I could. Yesterday I had real hopes that Mr. Pitt and his friends were satisfied with the explanation which had been given in the Bill, and the confidence that the spirit of the agreement might be sufficiently understood to exempt those possible cases wherein the Government might issue money or incur expenses for some extraordinary emergency. The Chancellor had suggested an addition to the preamble for this purpose. "He thought that the spirit of the compact, being thus recited, might at any time hereafter be resorted to, and would remove any doubts and prevent any *evil inclination* to throw this charge upon the surplus of the hereditary revenue. Still, however, a possibility would remain that the Irish Parliament might *hereafter*, in spite of shame or reason, refuse to make provision for such exceeding, and that the *permanency and security of the surplus, in favour of Great Britain*, could not therefore be now stated as *equally*

taken care of *with the commercial arrangement in favor of Ireland.* Arguing, however, as politicians, the cabinet seemed disposed to venture upon such a confidence, and to hope that the British Parliament would allow the security to be good for the sake of the general object." This day, however, Mr. Pitt again informed me that Ministers would not place a reliance on anything less secure than the Acts by which the commercial benefits would be rendered permanent, and it was therefore impossible to proceed until the condition should be taken away from the last resolution, and, in short, the tenth re-established. I have expended all my means of remonstrance and warning, but have not yet prevailed. I shall certainly not encourage Ministers to hope that our friends in Ireland can agree to separate the condition from the resolution for granting the surplus, "and that any better mode can be found of removing the difficulty they have started about the possibility of a future insecurity in cases where the Irish Parliament may or may not diminish the amount of the surplus. I wish, however, most anxiously that your Grace would consult with particular friends about this, and endeavour to devise some means of satisfaction without abandoning the principle. You know that I am only distressed about the public hazard, and grieved at the chance of great disturbance and confusion, because I am sure it is the object of your anxiety. I must, if this decision should be irretrievable, desire positive instructions how to act upon other business in Parliament, that at all events the danger may be as much prevented as possible before your situation, or the final part your Grace is to take about yourself, can be ultimately settled. It will require great temper and prudence to act consistently with honorable spirit respecting yourself, and yet with just regard of preference to the welfare of the community." I shall write again on Friday, when everything must be ultimately decided. You will doubtless reserve any expression of your feelings until I can positively inform you of the conclusion. I am so distressed and mortified that I can hardly convey an intelligible account of this business. The delay in putting any question on the resolutions will, I am afraid, have a bad effect on your side the water. On further consideration I think I had better see Mr. Pitt again to-morrow morning, before dispatching this, and I will then desire Mr. Cooke to hasten his departure.

"I would give every possible chance of accommodation to the scruples of the Government here, consistently with the preservation of what is necessary in every view for the uniformity and credit of your personal and ministerial conduct. Thus circumstanced, I am under an agitation of mind not to be described. I am sometimes inclined to fear that apprehensions about success in other matters occasion the reluctance to give way in this; and then follows the injustice of imputing to the change in the resolutions that difficulty in carrying the matter through, which arises from very different causes. I do not believe that Opposition could do much, unless the delay and timidity of Government should give them opportunity. I cannot succeed any more in hastening their progress than in convincing them of the very dangerous consequence which must follow from the suspension of the business, particularly on account of dissatisfaction with our last propositions, which is, after all, a scruple of so trifling a nature that I can hardly believe the Parliament here would take it up, if it was not suggested to it by Government itself."

Lord Sydney has taken the King's pleasure about the peerages and advances to be made, and has approved a list following Lord Northington's recommendations, which I understand to be what you wish at present. The King will grant the earldom to Lord Antrim, and in

succession to his three daughters and their heirs male, remainder to heirs of his own body, but cannot give an unlimited descent to heirs general. Lord Doneraile was always on the list in consequence of Lord Northington's promise. I will urge the matter of marquisates and vice-treasurers. Lord Lansdowne is full of acknowledgment of your friendship. He thinks right about this business, and has acted very handsomely to Government. *Marked* "Secret."

Thomas Orde to the Duke [of Rutland].

1785, March 18, Friday. London.—Mr. Cooke, who takes this, will inform you that at last I have succeeded in bringing the Cabinet to reason, and I congratulate you on their acknowledgment of the propriety as well as good intention of your conduct. They are sensible of the advantages and satisfied of the security. There are two or three trifling points about which I shall write more fully. The Chancellor has detained me so long that I have no time left now. *Marked* "Most secret."

Daniel Pulteney to the Duke [of Rutland].

[1785,] March 19, Saturday. Fludyer Street.—I flatter myself I may discharge my debt to you in time, and whether in or out of Parliament, whether at home or in the East or West Indies, "is almost a matter of as much indifference to me as Lord Barrington thought his wife's complexion was to him." The Irish business kept us late to-night, being the examination of the second witness. Fox and half his party seem determined to make the most of their opposition to this affair, and I fear it will not be over for three weeks. I say of half his party, because Lord Beauchamp was an hour to-night, in his awkward way, cross-examining the evidence, in order to prove the proposals not destructive to the cotton manufactory and printing. I have good reason to think the majority on this subject will be considerable. This should be satisfactory to Ireland, as being the opinion of the most independent House that has sat since the Revolution. As an instance of this: in an accidental division to-night, Pitt and Fox—so unfortunate are coalitions—divided in a minority of ten on a regulation respecting the ballots. Pitt, however, has not lost any of his popularity or support upon important questions.

[The Same to the Same.]

[1785, March] 21, Monday morning.—If the Irish business is ready, Pitt has claimed this day to bring it on; if not, we are to have again the cursed scrutiny. "I find the City is as anxious about Orde's speech as if they were going to lose the River Thames. The London West India merchants conceive themselves ruined, and if we do not hasten the affair through the House of Commons we shall not want, I suppose, petitions, remonstrances, council, &c." I was told yesterday Pitt had disowned some parts of Orde's proposals, but I give this as a mere report. Pitt seems resolved to try it fairly. "There will be a great clamor against him, but I think we need not fear anything from numbers in the House of Commons, if people there are not put out of humor by a continuance of the foolish business of the High Bailiff, which, I am sorry to see, Pitt seems more and more obstinate in." Some of our Indian allies talk mutinously of Lord Macartney's late appointment, which is not easily to be accounted for. He is recalled as unfit for the inferior

Government of Madras, and then, without any examination of his conduct, is kicked upstairs, as they term it, to the reversion of the Supreme Presidency in India, but whether this is entirely an act of the Ministry, I shall not pretend to guess. The East Indians in the House are not, however, of much consequence, and they are never unanimous, so there is not much to be apprehended in disgusting a part of them. Pitt will gain credit with the public, at the risk of making some personal enemies, by his reforms in the offices. As the House of Commons supports him heartily in his plan, it must gain them some share of its (*sic*) popularity, "though, in opening the business, I must confess I was surprized to hear him treat the auditors with such asperity; for he said almost in as many words that their 'laziness was even superior to their avarice'; and these auditors are the Duke of Newcastle, Lord Montstuart, and Lord Sondes. Though nobody doubted the truth of his assertions, there was at least one in this number whom we did not expect to hear mentioned in such terms."

As the Irish affair will "be considered as Pitt's, your Grace need not apprehend your name being mentioned with any disrespect in the debates here, even by such a licentious assembly as ours."

The House of Commons is threatened with the same debate that is before the House of Lords "relative to orders *supposed* to be sent out by the supreme board for paying the Nabob's private creditors before the Company, contrary to the Act of last year. But I know the temper of our House well enough to foresee we shall divide on any question of this sort two or three to one."

Coffee House, House of Commons, 10 o'clock.—We have rather better ground on the scrutiny to-day. To-morrow the Irish business comes on. There will be some alarm; but Pitt need not fear support enough against party or prejudice. Watson, the City member, is sitting next me and arguing *rather* in favour of a possible system between the two countries, but others are very violent against him.

Daniel Pulteney to the Duke [of Rutland].

[1785.] March 22. Fludyer Street.—"I am sorry to acquaint your Grace that the selfishness, ignorance, and credulity of many more commercial towns has been too successfully practised on by Opposition, and the tide is at present running high in many considerable places against the whole of the Irish proposals. The people of Nottingham, under the influence of Portland emissaries, petitioned yesterday, which makes the 26th, I think, but young Smith, who presented it, and who is one of Pitt's friends, as your Grace may perhaps know, was very stout in declaring he thought his constituents were misinformed, and he should not be directed by them. If this doctrine was more general in the House, a Minister would better know what support he could depend on, but without it his very advisers to any measure, might, with supposed consistency, effect his ruin on any question. I placed myself last Sunday at a Speaker's dinner next Lord Penryn, in order to find out what the West India planters, &c. meant to do, and he declared that if they were not more satisfied than at present they would certainly petition and be heard by council. The truth, however, as I think I could discover, was that the Government friends were too strong in that quarter, and perhaps we shall hear no more of them. All this clamor, however, will certainly produce one bad effect, I mean delay, for as people will not all read the printed report of the Committee of Council, it will be necessary for Pitt to call the evidence examined there before

the House to refute what we have already heard on the other side. In order to satisfy your Grace, as an Englishman I can say I was very attentive to the turn of the questions proposed by Jenkinson and Pitt, and without repeating the reasonings, which it would not be necessary to enlarge on at Dublin. I, for one, could see no danger to the calicoes and fustians, which is the only point yet gone into. Independent of the necessity of risquing inferior considerations for great systems of policy, I cannot, with all the attention I can give it, see in the report of Council any risque England will run against which the experience and the superior capitals of our merchants will not be a sufficient security; and from all I have ever heard or read of Ireland, there is an argument which cannot be publicly used, but which is a stronger, intrinsic superiority—I mean the perseverance, vigor, and industry of English workmen in every branch of trade. The House of Commons will adjourn on Thursday the 24th to Thursday the 31st, on which day the Irish business is to be resumed. The Opposition are very elate, and though the question should be carried with a considerable majority, they expect Pitt will lose much of his popularity, and at this perhaps there would be others equally pleased; but Pitt himself seems so cautious and prudent that I hope he will have address enough to throw the affair on the House, and make it an act of theirs as well as of the Ministers.

"In a division yesterday, to prevent people from going out of town in order to avoid the question of Reform, he told me he was glad to see me in the lobby as a proof I did not mean to run away from that business; to which I answered that I should treat instructions from Bramber just as Mr. Smith would do those from Nottingham, but that I had other instructions to vote for his reform, which I should certainly obey, with which he seemed perfectly content. In this I take it for granted all your Grace's members will concur, though the Colonel he cannot prevail upon even to dine with him, and George Sutton, being applied to by him in the open House to waive his plea of having served at a ballot, was, to the astonishment of everyone, as impregnable as the Rock of Gibraltar. In every other respect we have been all of us very diligent attenders, and of course supporters, of Government. The Reform, it is generally supposed, must be thrown out to-morrow by a considerable majority. I must own I think the greater the better. The Speaker said, at dinner, the proper day to have brought on a question of Reform would have been Good Friday, and on somebody's saying if it was carried Thursday morning the kingdom would enter upon a fast the next day with great propriety, the remark seemed to meet with a general assent. Your Grace will receive an account from me of the debate by Thursday's post."

Viscount Carhampton to the Duke [of Rutland].

1785, March 22. Dawson Street.—Acknowledging the Duke's intended recommendation for his promotion to the rank of earl, and requesting that his title may be Earl Carhampton, of the kingdom of Ireland.

The Earl of Shannon to the Duke [of Rutland].

1785, March 24. Cork.—Concerning the intended advancement of Lord Doneraile in the peerage. With respect to political concerns, everything here wears the face of perfect content and good humour, and

I have heard no dislike expressed to a militia, nor any wish for the continuance of volunteers. I am sorry to add, however, that trade and credit are at a low ebb.

THOMAS ORDE to the DUKE [OF RUTLAND].

1785, March 24, Thursday. London.—Other business, especially that of Reform, prevented a meeting of the Cabinet to settle our affairs, and when yesterday they met there was so much cavil, and such endless distinctions upon trifles, that the hour of attending the House came before anything was decided. Another Council meets to-morrow, when I am to receive my ultimate instructions, and I shall set out on Saturday. Some of the Cabinet have attempted, but unsuccessfully, to re-open matters. I have been honoured with an audience in the Closet, and can assure you of all good in that quarter. Entire satisfaction and approbation were expressed in that quarter in the strongest terms. Business in the House has been delayed by the failure of a ballot for the trial of the Buckinghamshire election. Pitt, however, assures me that the delay will not last. There is more chance of his failure on Reform than of defeat on our commercial adjustment. I find the opinions of the wise very much divided about the event of the question of Reform. I really think, however, that the greater expectation is of its being carried, at least so far as for leave to bring in a bill. I wish there had been a longer adjournment of our Parliament, but hope to be at Dublin before Thursday. *Marked* "Most secret."

The EARL OF CLERMONT to the DUKE [OF RUTLAND].

1785, March 25. London.—I congratulate you on your being so well as to hunt. I have been twice up to your great plantation on the Warren Hill, where I saw that great numbers of the young plants are dead. I mention this, as next month is the time to replace them. I have been very glad to hear of your easy and happy session of Parliament. I sincerely wish you may carry your plans, and if you do, you will have made the most glorious campaign that has been made by any Lord Lieutenant. I sat an hour yesterday with Lord Gower, who has a good opinion of things, though so much pains have been taken to inflame the manufacturers and others.

I saw your filly out of Imperator's dam at Newmarket last week. She is a very fair one.

THOMAS ORDE to the DUKE [OF RUTLAND].

1785, March 27, Sunday.—I cannot get away until Tuesday next; but I can tell you, at last, that we have maintained our ground.

Pitt is in very good spirits about the business, and hopes, with good reason, for success when he can get a House to go on.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1785,] March 28. Fludyer Street.—Though the Irish business was only adjourned till Thursday, it must now stand over to Monday, April 4th, when the Buckinghamshire ballot will certainly take place, and things go on as usual. You will see that Newmarket and other amusements have occasioned a week's delay instead of a regular ad-

journment, the Speaker going *pro formâ* every day and breaking up at half-past three; and that no consideration respecting the Irish business or Pitt's Reform had the least to do with what has happened.

"A forged letter in Macnamara's name was sent ten days ago to Leicester desiring the mayor to call a meeting in order to oppose the Irish proposals, but was discovered soon enough to prevent its effect. Nottingham is the last petition I have heard of against them; but with regard to the House of Commons, even if any of Pitt's usual supporters should desert on this occasion out of real or pretended deference to their constituents, this will be more than balanced by Conways, &c., and I don't see any the least risque of our not having as great a majority as on any other question, I mean—to speak by guess—considerably above 100."

ADMIRAL J. GAMBIER to the DUKE OF RUTLAND.

1785, March 30. Queen Street, Mayfair.—Mentioning the death of his wife, and acknowledging the Duke's endeavours to obtain appointments for himself and members of his family.

WILLIAM PITT to the DUKE OF RUTLAND.

1785, April 2. Putney Heath.—[*Correspondence, p.* 99.]

THOMAS CONOLLY to the DUKE [OF RUTLAND].

1785, April 2.—Asking for an appointment for Sir Michael Cromie.

LORD SYDNEY to the DUKE [OF RUTLAND].

1785, April 2. Albemarle Street.—I trust the Bill, with the alterations, will be acceptable on your side of the water. I think we shall carry our point here in spite of the most virulent opposition. Every method is taken to throw upon the *present* Opposition the odium of the concessions of our predecessors. I am more anxious at present about the agreement between Great Britain and Ireland than for any other object. *Marked* "Secret and separate."

The EARL OF HILLSBOROUGH to the DUKE [OF RUTLAND].

1785, April 3. Hillsborough.—We have obtained a complete victory at Carrickfergus, chiefly by the extraordinary exertions of Kilwarlin. After a furious struggle, we have turned out Cunningham by a majority of thirty-six, and fairly laid the troublesome, not to say rebellious, Constitution Club upon their backs, and, I trust, secured the peace of this part of the North. It has obliged me to postpone my journey to Dublin, but I hope still to be in time to lay before you my thoughts upon the Militia Bill.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1785,] April 5, at night. House of Commons Coffee House.—"I have got a respite after a division to acquaint your Grace an accidental and very spirited debate has just taken place between Pitt, Fox, and Jenkinson, in which I am happy at last to hear from Pitt in these very words, which I took down:—'I can have no interest but that of

the people; a considerable part of them have certainly misconceived the Irish resolutions. I have courted every means of information at the Bar, and I trust they will be convinced by the evidence given there. But if, unhappily, this should not be the case, I shall still retain my opinion decidedly in every part of this affair.' I believe these were exactly the words, but certainly the meaning. Your Grace will therefore erase from the letter I had the honor to send this morning any doubts conveyed in it respecting Pitt's delay. I am convinced the House is sufficiently with him even now, and when his evidence has been heard and the prejudice, partial as it is, has a little more subsided, I doubt not at all of numbers. Your Grace's situation may perhaps be a little unpleasant, but the event—which, however, might have been safely, I think, decided by this time—must end well at last."

Daniel Pulteney to the Duke [of Rutland].

[1785,] April 6. Fludyer Street. Before the House of Commons. —I am sorry my last letter did not contain a flattering account as to the forwardness of the Irish business, which it seems to me Pitt has not managed with his usual foresight or spirit. In the first place the Committee of Council was appointed *too late;* for the resolutions were passed in Ireland before the report of the Committee was made to the King. In the second place, Pitt ought to have been prepared here, and at least after three weeks, and there was no petition, and the House being very well disposed to follow him, he ought to have committed this kingdom likewise, and saved you the unpleasantness of the present suspense. In fact, great as Pitt is in all the essential parts of a good minister, it is inconceivable "how partially informed he is of people's sentiments in the House, and because he lost the scrutiny, he now fears every division, and suspects, without any sort of reason, some trap or other in every debate. This delay has had as bad an effect here as it can have in Ireland; and this inactivity of Pitt and indirect encouragement to petitions, I am afraid, has made several people in the House very diffident of the propriety of a measure on which they had at first no doubt. After all, his excuse last night was that, taking advantage from Fox's ill-conduct in the India Bill, he was not so impolitic as to call the opinion of the people delusion, and then he concluded by saying whether the people were satisfied or not, it would not alter his opinion." The measure would have passed with a great majority if Pitt had taken a vote, as he ought to have done, when it was first opened to the House. I am confident it could pass now, but perhaps not with so great a majority.

I regret Pitt's attachment to this Reform, in the course of which Fox will, I think, involve him in new difficulties. Fox will take advantage of it to injure Pitt with the King and the most respectable part of the country for the zeal and sincerity of his attempt at any reform at all.

The Earl of Clermont to the Duke [of Rutland].

1785, April 6. London.—"I am just returned from Newmarket, where I never saw a fuller meeting nor more money, which is wonderful, in these hard times, and very fortunate for your tenants and farmers." I won eighteen hundred guineas, "*all Spanish*," on a young "conductor" of mine on Saturday.

"I hope your *tanta negotia* won't make you forget your noble young plantation on the Warren Hill, which may be a great ornament to our fine open country in a few years."

THOMAS CONOLLY to the DUKE [OF RUTLAND].

1785, April 6. Castletown.—Concerning an appointment.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1785, April 7,] Thursday night. House of Commons.—The Committee is resumed on Irish affairs. I see very favourable symptoms in the House. You see the resolution of the Western manufacturers signed by J. Ainstie. Smith, of Nottingham, and others are resolved to vote against the instructions of their constituents. Macnamara says he could produce from Leicester, if necessary, a declaration that the Irish proposals have given them no apprehension. We have Rigby and Conways certain, and—I am told—Welbore Ellis. I have inquired if evidence is to be brought relative to the price of labour—as you mention—and find Pitt is well prepared on the subject. I am always ready to assist in explanations, and should not decline a more conspicuous part if I could have done good by it.

GENERAL EDMUND STEVENS to the [DUKE OF RUTLAND].

1785, April 8. King Street.—Announcing his intended marriage with Miss Hulse.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1785,] April 11. Fludyer Street.—"As in your Grace's present situation the slightest information respecting Irish affairs may be in some degree acceptable, I write to say—what I believe I have been uniform in—that there cannot be a shadow of doubt the resolutions will pass with a great majority. Without any great vanity I may say, what I believe many other members of the House can, that they know the opinions of the House better than the Ministry, who, from wanting perhaps the usual Treasury connections, are really more ignorant and frightened respecting divisions than it is possible for a stranger to believe. I have had lately, and by accident, some nearer insight into the particulars of the division to take place than I can, with fairness, expressly repeat; but every day I see or hear something to make me more pleased at the prospect. This system of Pitt's, to act upon great general ideas of the propriety or wisdom of a measure without attending enough to the means by which it can be best and most happily introduced—I mean, knowing the general opinion of the House at the time—must, I foresee, involve him in time in one or the other of these difficulties. He must put off from diffidence, as in the present case, what he could more easily have carried through at the beginning; or he may bring on questions through rashness, or persevere in them from the same motive that, like the scrutiny, might nearly endanger his Ministry.

"I should not have had leisure to send your Grace these *profound* remarks but that the Bucks petition was this day given up by Lord Verney, and a committee, the fear of sitting on which had delayed the business of Government a fortnight, was one of the shortest of the session. I have the pleasure to hear from all sides of the House, and both in public and private, there never was a parliament where election justice was so impartially dispensed, though I say this with great deference to Lanark, which I believe your Grace first sat on. The House is to-day on the Manchester petition respecting the tax, and to-morrow will sit on Irish business, which, from classing the petitions and hearings

by council, will now be considerably shortened. I can only add that not only thinking but *knowing*, perhaps better than Pitt does, the strength we shall have on passing the Irish resolutions, I cannot think these sort of delays ought to occasion in Ireland, when properly explained, the least degree of jealousy or uneasiness; and I may venture to congratulate your Grace on having established a union upon a perpetual system, which, upon every principle of policy and good sense, was equally necessary to both kingdoms."

Daniel Pulteney to the Duke [of Rutland].

[1785,] April 13. Fludyer Street.—I can report little visible progress in the Irish business. Your Grace may know the reasons, which I can only guess at. The opposition is subsiding, and is now confined to the Manchester people and parts of Scotland.

I presented yesterday a petition from Grantham respecting a Navigation Bill. Pitt said to me he supposed the real reason of the petitioners was that the canals obstructed hunting. I confess I could not discover how Grantham would be affected by a proposed canal in Warwickshire; but, having regard to the thirty or forty respectable names on the petition, I shall, if I am in the House, vote according to the prayer.

Pitt's financial statement has had, I hear, a good effect in the City.

I hear "that Macnamara says the people of Leicester were so offended at the forgery attempted on them, that they offered him to petition *for* agreeing to the Irish resolutions, which, however, for reasons obvious enough, I suppose will not be required of them."

The Earl of Chatham to the Duke [of Rutland].

1785, April 13. Berkeley Square.—I have been alarmed about the Duchess, but am happy to hear to-day that she is better, and going on well. I am anxious to have this confirmed. I have great pleasure in the good accounts I hear of all you have been doing in Ireland. I have sent word to you that I have determined this summer to fulfil my promise of coming over to you. Whether I shall be able to do so I cannot yet tell. Hitherto Lady Chatham's illness prevented it; "and now Mr. Burke seems determined not to let us have a short session, as I had hoped. It is impossible yet to judge from the catalogue of crimes he has given in, each of which is a folio volume, whether anything really serious, or only vexation and consumption of time, will be the consequence; but I am afraid the prospect of the latter, at least, seems inevitable, perhaps both. Should it end in nothing, I shall hate him as much as he does Hastings." I have a ray of hope from what you wrote to my brother of our seeing you here. Lord Cornwallis seems vastly well and in good spirits. His appointment gave me great satisfaction. He is to sail as soon as his ship is ready.

Lord Rodney to the Duke [of Rutland].

1785, April 13. London.—Thanking him for a letter, and congratulating him upon the prospects of his Government.

M. O'Byrne to the Duke [of Rutland].

1785, April 14. London.—"I think it's as well for your Grace, and much better for Captain Morris, that he is of this side of the water, as, your wine being so good, I think towards the heel of the evening he

would be very apt to change the opinions of the Paddys, or, to a dead certainty, they would break every bone in his skin for the libertys he has taken with them in his last song call'd his Treaty of Commerce." But I most sincerely hope that all matters may be amicably settled.

Lord Sydney to the Duke of Rutland.

1785, April 15. Whitehall.—Yours of the 7th, marked *private*, has been received. His Majesty's Ministers are very desirous that the matters depending should be brought to a speedy conclusion, and therefore see with regret a tendency to raise difficulties. You are aware "of the many local prejudices with which we have to contend, as well as the avidity with which those who wish to inflame the minds of the people of this country, seize every opportunity of representing the whole of this business as a dirilection of the interests of Great Britain and a surrender of her rights to Ireland."

"It is material to hold out to the people of this country that a permanent compensation is given by Ireland. Permanent regulations seem necessary to a permanent revenue, and, even to a temporary one, there can be no inconvenience in permanent regulations, as, when the revenue ceases, the effect of the regulations ceases likewise, having nothing to attach to.

"Mr. Orde, in his letter to Mr. Pitt upon this subject, expresses a wish that this measure of applying permanent regulations should originate in this kingdom. There can be no objection to that mode of proceeding, and here I cannot help observing that the very resolutions now upon the table of the House of Commons of Great Britain seem to form the foundation which Mr. Orde desires.

"It certainly is not matter of perfect indifference to the King's Ministers whether the clauses for perpetuating the revenue laws are inserted in the Appropriation Act or in a subsequent Revenue Act, as by the former method they appear more clearly to make a part of the compact. But however preferable that measure may be of the two, yet if the other will obviate any serious difficulty, they are ready to give way rather than the matter should be an object of further contention." *Signed. Marked* "Secret."

The Same to the Same.

Same date. Whitehall.—It is provoking to be so near the mark and still to be differing. I think our Irish friends are unreasonably tenacious. It seems forgotten that we have a jealous country and an active Opposition to deal with, "the former hurt at the idea of concessions to be repeatedly made at the expense of England; the latter, actuated by revenge and avarice, ready to propagate every opinion that may tend to inflame the minds of the people and to take advantage of every local prejudice.

"I am now writing to your Grace a letter of a most private kind, and therefore venture to hint to you that even among those who have received the most distinguished marks of favour from Government, there are some who appear to lean so entirely to the side of popularity in Ireland, as to lay embarrassments in the way of accommodation where the real interest of Ireland is not concerned.

"Under this head I rank the difficulty of the present minute. Permanent regulations are necessary to a permanent revenue, and if they were even extended to a temporary one, I can see no inconvenience

that can arise, as the moment the revenue ceases they have nothing to attach to, and remain a dead letter. . . . It is not, to be sure, matter of indifference whether the clauses for perpetuating the revenue laws are inserted in the Appropriating Act or in a subsequent Revenue Act, as by the former method they appear more clearly to make part of the compact." *Marked* "Secret and separate."

Daniel Pulteney to the Duke [of Rutland].

[1785,] April 16. Fludyer Street.—I see every day fresh proofs of our strength on the Irish question. Having occasion yesterday to write to Mr. Pitt on another subject, I took occasion to hint to him "how different I had found the sentiments of all I knew in the House from what we had heard at the Bar, and that every one seemed to wish to finish the affair directly." I inferred from his answer that he had doubted this, from want of common information; but last night, at eleven o'clock, he called for a new evidence, and seemed desirous to close the business as soon as possible. "It was pleasant enough to hear Fox, a few days ago, argue against the resolutions because they were irrevocable and conclusive, and to hear him last night, on the first glimpse of a difficulty in construing them, declare his dread of them because they seemed not so final and conclusive as they ought to be." On Monday comes the question of Reform, and by Tuesday's post you shall have the particulars.

The Marquess of Lansdown to the Duke [of Rutland].

1785, April 18. Bowood Park.—"I expected something might have occurred previous to my quitting London worth communicating, but I left every one taken up with the Irish propositions, without much principle to go by, and Opposition, as far as I can judge, without any plan to offer in the room of what they find fault with. I may be mistaken, but the real difficulty appears to me to lie with the finance. The Manchester people have contrived artfully enough to confound the taxes lately imposed on manufactures with the Irish propositions, and Government has not seemed prepared to take a divided part to shift or enforce them. The iron and the silk import duties come under the same predicament. Government, I am inclined to believe, must accommodate somehow both these points, and if it was done immediately, as far as I can judge, all opposition without doors would drop to nothing. But I am writing, and, what is worse, taking up your Grace's time with observations which may not deserve attention. You must be informed how things stand by persons not only more capable of judging, but who have the materials before them which are indispensibly necessary to judge from. Mr. Orde will have told your Grace in what a loose, uncomfortable state everything in London is, which has made me very happy to get here among my woods, as soon as the season would justify my taking Lady Lansdown and one of her sisters out of town, before the formidable tribunals of Almack's and the Opera Room. When the propositions get to the House of Lords, it is my intention to go up, if it be for no other reason than to bear testimony to your Grace's conduct and merit. I can with truth assure you that there is but one opinion among impartial people, where the propositions have been fully explained. It will be an amazing point carried in the present situation of things to consolidate *for ever* the future navy of both kingdoms, and the surplus of the hereditary revenue must in time prove a most substantial resource, which I frankly confess I never thought could have

been carried under the untoward circumstances your Grace had to struggle with. There are things which do the present Government of Ireland the greatest honour, and, what I value much more on your account, are calculated to do it honour hereafter. As the newspapers when they have no fresh intelligence give an essay instead of news, I send your Grace enclosed a curious story from the East Indies, which may not have reached you. I am sorry to hear that the late accounts from India do not bring very favourable accounts of our finances there."

Daniel Pulteney to the Duke [of Rutland].

[1785,] April 19, Tuesday morning.—"The objects of the Bill perhaps your Grace was previously informed of; indeed, it had been dealt out here piecemeal in the papers for some time, and, I suppose, will be stated at length by Mr. Woodfall, &c., but the effects of the proposal in the House were what I was principally attentive to, in order to acquaint your Grace what influence it might have on Pitt's general supporters. He was heard, indeed, through a very long speech with great attention, but with that sort of civil attention which people give to a person who has a good claim to be heard, but with whom the hearers are determined to disagree, and though there were nearer 500 than 450 in the House, I never saw them behave so quiet, and yet so apparently determined. In dining above stairs, I had frequent opportunities to hear opinions, and there the generality of Pitt's friends only lamented that he would not keep clear of this absurd business, so I do not apprehend that if he acquiesces quietly it will at all affect his interest in the House. Fox did not rise till very late in the debate, and was, I believe, rather puzzled what part to take. If Pitt had been strong enough in his opinion to have obtained leave for bringing in the Bill, I am convinced he would have opposed it *in limine;* but foreseeing Pitt could not get leave for the Bill without his assistance, he was in hopes to get the Bill in, and then display all its inconsistencies, ill consequences, inadequacies, &c.—of which, to speak fairly, there appeared an abundance—when he had got the Bill in the Committee. All this, however, is happily at an end, and I hope the remembrance will be quite worn out before we come to the Irish business, which would have been over before now, I believe, if Mr. Pitt had not been so encumbered or enamoured with—I am not certain which—this Yorkshire system of Reform."

Tuesday evening.—"The House not meeting to-day, I have nothing to add to the above, but that Pitt, whom I met in the park, looks as grave as if he had really suffered a Ministerial defeat, and Mr. Hill, whom I met soon afterwards, seemed as happy at our good riddance from such a troublesome affair. The latter told me some strange story of thirty principal manufacturers having signed an agreement to offer themselves to any Irish lord who would give them encouragement. This, however, was not in consequence of the Irish resolutions, but of the Excise laws having made such a progress in manufactures. The real fact is that the generality of all the trades in England apprehend little or nothing. Manchester and its neighbourhood, being out of humor with the late tax on fustians, and mixing their politicks with their resentment, have been very discontented. The woolen manufacturers are decidedly for the resolutions; and the House of Commons ready to put an end to all difficulties of all sorts if Pitt would bring them to a vote.

"Your Grace remembers probably a remark of Sir R. Walpole, which Pitt has already seen enough to allow the truth of, that a minister might

sheer the country gentlemen when he would, and the landed interest would always produce him a rich fleece in silence; but that the trading interest resembled a hog, whom if you attempted to touch, though you was only to pluck a bristle, he would certainly cry out loud enough to alarm all the neighbourhood."

Daniel Pulteney to the Duke [of Rutland].

[1785,] April 20, Wednesday night. — "I have barely time to acquaint your Grace that Mr. Pitt has new modelled the Manchester tax, in taking it from bleached and dyed and transferring it to the printed cottons. The House was very full, and Dundas took occasion to say, 'those finances which my honourable friend will long continue, I hope, to direct,' in opposition to an idea of the newspapers and of Brookes's that he meant to resign if beat on the Reform.

"A division was projected but given up, as we could have beat the movers of it three to one in a very full House."

The Same to the Same.

[1785,] April 23. Fludyer Street.—The languishing state of the petitioners against the Irish resolutions promises as early a period to this business as Pitt chooses. I do not understand the reasons for delay. I think Pitt is very much "fettered in his conduct on great affairs. From a very partial and confined knowledge of the world, he is too full of caution and suspicions where there does not exist the shadow of a pretext for them; and, from having no immediate intercourse with the generality of the House of Commons here, he is as ignorant of their opinions on particular questions as if he was minister of another country. His whole conduct proves he can only be minister with an independent House; and the very proofs they give of independency, *i.e.* dissenting from him on points where, according to plain common sense, I think they have been in the right, startles him so much that he is too much frightened for some time to bring questions before them where he is equally sure of decisive majorities in his favor. His living and conversing with a very small circle and acting only on abstract general principles will, I foresee, involve him at some time or other in difficulties, from which no minister of this country can be free without more extensive information. But the aversion to the Coalition is still so strong in the House that he may continue many years, if he pleases, a very usefull Minister to the country, though not so absolute in majorities as some of his predecessors, and, whenever he was to quit, I think no ministry, not founded on corruption, could stand against him."

I send this general speculation, for want of any Parliamentary information. As to myself, I remain silent in the House, in the absence of express instructions from you. Whatever service I could do by explanation or private conversations I have never failed in; and, above all, I have been a most constant attender, "which, I suppose, is the most meritorious duty any member with less than 10,000*l.* a year can perform."

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DANIEL PULTENEY to the [DUKE OF RUTLAND].

[1785,] May 2. Fludyer Street.—"Mr. Pitt, after calling to-day for fresh evidence, and none appearing, declared he was still open to receive any that could be brought; but that if the evidence *against* the Irish propositions was closed on Wednesday, he would then bring forward a few in its favor, and proceed very soon after to take the sense of the House. I rather thought—but that may be mere fancy—Pitt inclined towards me when he said this, as if under an idea that I should acquaint your Grace. Fox seemed to think the question could not be well decided before Whitsuntide, but Pitt thought otherwise, and declared he meant it so. A call of the House to be protracted for the purpose was agreed on by both sides, and I can most assuredly congratulate your Grace on a very decided majority upon a subject that ought to endear your Grace's administration to both kingdoms. As I think I can now see several reasons why Pitt might protract this business, I can only say he has great obligations, however, to your Grace for having kept Ireland so contented under their expectations."

LORD SYDNEY to the DUKE [OF RUTLAND].

1785, May 4. Whitehall.—As to extension of leave of absence for Major Master, of the 24th.

GENERAL W. A. PITT to the DUKE OF RUTLAND.

1785, May 4. Royal Hospital.—Concerning military promotions. *Signed.*

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1785,] May 5, Thursday.—The House of Commons not rising in time for post, I could not until to-day acquaint you that Pitt began then on his evidence to disprove the assertions which have been made respecting the price of labour in Ireland. The evidence proved, in opposition to the enquiries, that little risk will be incurred by England, and little benefit gained, of course, to Ireland. The only thing to guard against is making too strong a case. I mean proving too fully, what I believe to be the truth, that Ireland will gain only *capabilities* of advantage, instead of advantages themselves. I am glad to find Pitt means to close his evidence almost directly, and to bring the House to a vote before Whitsuntide.

Before closing this I have been two or three hours in the House, and Pitt has declared he will bring us to a vote on the Irish question on *Thursday next*, subject, however, to the reception of new petitions and fresh counsel. I infer from Fox's peevishness and a motion of Eden for fresh papers, they will drag up some other petition and counsel if they can, for delay, between this and Thursday.

To-day's business is a sort of censure from Francis on the India directors. The result of the whole is to show that the East India revenues produce now an annual overplus of above 800,000*l.*, after payment of their establishments and interest of their debt.

LORD SYDNEY to the DUKE OF RUTLAND.

1785, May 7. Whitehall.—Arlington, which Lord Carlow wishes to take for his earldom, is a title of the Duke of Grafton. Sunderland is the third title of the Duke of Marlborough. I find that these titles are likely to give offence, and especially to the Duke of Marlborough, who would not consent that the late Lord Spencer should take Sunderland for his earldom. If any other titles would equally please the ears of those who have fixed upon these, it would obviate all difficulty. *Marked* "Secret and separate."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1785, May 11,] Wednesday evening. House of Commons.—"What I believe many people foresaw took place to-day in the House, on the eve of the vote upon the resolutions for to-morrow, viz. that some fresh petition would be offered *merely for time;* and as Pitt had in fact said if fresh petitions were tendered they ought to be heard, he was in a sort of a dilemma, if we had not in a very crowded House—for the call—cheered him up so much that he said sufficient time had been given to every petitioner, and he would take the sense of the House if any more counsel should be heard. This was a point on which it exactly suited Fox to divide, for some of our overscrupulous friends would take this occasion to leave us, and the Conways, &c. would undoubtedly vote against us; but in spite of this disadvantage we divided, on an unfavorable previous kind of question, 261 to 143 against receiving any more petitions to be heard by counsel. Amongst other ridiculous arguments they will use to-morrow, I hear they mean to state that Pitt's evidence were all Irish, and of course the thing would speak for itself on which side of the argument he was partial. But as he only examined them on the price of labor which they actually paid themselves, it seems the Opposition would think a hearsay evidence from Cheapside a better authority on the subject, or, in other words, their objection must be that Pitt has merely brought the best evidence that is to be obtained from the fountain head, instead of hearing it by guess from London manufacturers. I suppose, however, this sort of argument will be abandoned to-morrow. Lord Ossory and Rigby were the only two of their party who voted with us to-day. I believe we shall have the Conways to-morrow, but that is only material to themselves and their own character in Ireland, not at all to us, in point of respectability or numbers. I think, from the re-assemblage of a full House preceding the call to-day, Pitt had as decided marks of approbation from them as on the first day of their meeting. I need not anticipate what I have been, I believe, uniform in assuring your Grace, that there will be no doubt of succeeding to-morrow, though Pitt, I fancy, was once afraid of the question. The only enemies from our own party that we could apprehend losing did actually vote against us to-day, I mean Sir G. Shuckburgh, Blackburne, &c."

LORD SYDNEY to the DUKE OF RUTLAND.

1785, May 13. Whitehall.—I congratulate you on the success of this morning, the account of which you will have received from Mr. Pitt. I find it will be absolutely necessary to prevail upon Lord Carlow and Mr. Malone to fix upon other titles. The Dukes of Grafton and Marlborough would be much displeased, and the King is not disposed to give them any cause for displeasure.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1785, May 13,] Friday morning.—You will hear more authentically from the Ministers as to the amendments or explanations moved by Pitt, in addition to the Irish resolutions. The debate was protracted by every method for evading a question, and every Parliamentary trick practised by Fox to put off coming to any vote for some time longer. Pitt and Fox spoke three hours nearly each, but though there was very little said by anyone else except Jenkinson and Lord North, we could not divide on the first resolution till eight o'clock this morning. On a question for adjourning we divided 281 to 154, and on the first resolution 249 to 125; so that Ireland cannot complain their affairs wanted attendance or discussion. I take for granted you have got the consent of leaders in Ireland to the explanations moved by Pitt. Ireland may now be as great as she chooses to be industrious, and I think, though perhaps a few manufacturers may see some parts of their trade gradually travel to Ireland, that it was always a very narrow policy to fancy we did not partake in their prosperity, and that their interest was not our own. This idea being now so decidedly acknowledged by such a liberal and respectable House of Commons here, I hope you will partake with other Ministers in the popularity that ought to follow you on the other side of the water, and will, I trust, attend the Ministry here without doors as much as within, when the whole object is clearly viewed by the people.

The SAME to the SAME.

[1785,] May 13.—I may add to this morning's letter a few particulars of the debate, which you may not otherwise hear. "Dempster complained heavily of the manner in which the Scotch fishers were treated by the Irish at present, and hoped a resolution tending to a participation in fisheries would be established, and the Scotch leaders —Lord Advocate, &c.—complained likewise of the Irish putting in force an obsolete law of Charles II., which imposes a 5*s.* duty on handkerchiefs, and operates as a prohibition on their flowered gauzes. The case does indeed, as far as I heard it, seem peculiar, because if there was an actual prohibition they would be released of course, but as they only labour under a duty amounting to a prohibition they are not within the meaning of the resolution.

"I think nothing material was said besides, except something from Eden for mere mischief respecting the pressing Irish seamen, and something for the same purpose from Sheridan, which I own struck me in the same light it did him, when Pitt first read one of the new resolutions; I do not recollect which it was, but the purport of it was that when we did so and so, the Irish Parliament was bound to do the same, which is in effect legislating for both countries here."

[THOMAS ORDE to WILLIAM PITT.]

[1785, May.]—A long letter upon the subject of the hereditary revenue in Ireland, strongly urging the inexpediency of requiring permanent provisions for its due collection; and arguing upon a detailed statement of the existing position of this revenue, that no new conditions are necessary for securing its permanence. *Draft.*

IRELAND.

[1785, May.]—Draft of resolutions to be proposed in the Parliament of Great Britain. *Marked* "Secret."

The Duke of Rutland to William Pitt.

1785, May 19. Dublin Castle.—*Draft, marked* "Private." [*Correspondence, p.* 100.]

Daniel Pulteney to the Duke [of Rutland].

[1785, May 20,] Friday morning, 6 o'clock.—We have just divided—195 to 90—for the resolution that now stands third. The line Fox now takes is that Ireland will not adopt the resolutions. He treated Orde roughly, in his usual way, and Pitt for allowing him to offer such a gift to Ireland by moving the five resolutions there and pledging Parliament here, which Fox said was a most ungracious as well as bungling plan. I cannot but think the Government here have given him an opening which he has made the most of; but Pitt has received unequivocal marks of confidence throughout. Lord North made a dull speech of two hours. Altogether we had a very tedious debate. I can only say, as the newspapers do when they happen to be right, that I always said Pitt was never in any sort of danger within doors, nor *without* after a dispassionate consideration. The only reason that we had not a larger division was that a number of our friends who were present had paired.

The Duke of Rutland to Lord Sydney.

1785, May 20. Dublin Castle.—The majority seems very decisive, and to promise certainty to whatever Mr. Pitt may choose to bring forward. I must confess that the deviations from the original tenor of the propositions which it has been thought expedient to make in the English House of Commons are unfortunate, "as they may afford to discontent and faction an instrument to work much mischief with, and may open a field of difficulty and embarrassments which it will require all my exertions to overcome." One clause I have explicitly "assured him, in its present shape, to be impossible of success. I mean that which relates to the perpetuity of the penal laws for collecting the revenue. I almost believe the House of Commons would as soon vote the repeal of Magna Charta. I have in various despatches stated my objections to its introduction into the resolutions; but never having heard from the King's servants in reply to those objections, I am perfectly at a loss to guess the powerful reasons which have induced them to persist in adopting a change which I fear would be productive of very dangerous consequences to Government in this country." Lord Carlow and Mr. Malone have given up their intended titles. The one hopes to have that of Port Arlington, the other that of Sonderlin, from Lake Sonderlin, which, by an ingenious alteration of a few letters, he converted into the more ancient title of Sunderland. "I enclose a seditious and treasonable address presented by the Newry volunteers to Lord Charlemont; it was too strong for publication, and so it was hushed up." *Draft, marked* "Secret and separate."

* William Pitt to the Duke of Rutland.

1785, May 21. Putney Heath.—[*Correspondence, p.* 102.]

* The Same to the Same.

1785, May 21. Putney Heath.—[*Correspondence, p.* 103.]

Lord Sydney to the Duke [of Rutland].

1785, May 24. Whitehall.—Mr. Pitt tells me he has written fully upon the regulations. "Let us, for God's sake, find some means of clearing up the difficulty, which, if not got over, may set aside the whole business, which seems now so near conclusion." *Marked* "Secret and separate."

Daniel Pulteney to the Duke [of Rutland].

[1785,] May 24. London.—We got through the 4th resolution last night at a very late hour. "The idea first mentioned by Sheridan of Ireland becoming again a dependent Parliament, &c., under this resolution, was made the most of last night by Fox in one of the most barefaced party speeches I ever heard, and managed with so little address that it frequently set the House a laughing, and drew from Mr. Pulteney a pretty unreserved comment on the new Irish patriot. Amongst other things, he said 'though an Irish Parliament might for obvious reasons agree to this or any other arrangement, it would be impossible to hoodwink the people of Ireland, who had too much good sense not to see that the 4th resolution subjected them to their old dependency on the selfishness, caprices, &c. of this country,' which I take it for granted some good patriot of Ireland will, even without such a prompter, suggest to the majesty of the people in that kingdom." We divided 194 to 36, all their people having left town except the mere Opposition bench. We meet again to-day at 3 on the 5th resolution.

The Same to the Same.

[1785,] May 26. Fludyer Street.—"We sate late again last night on the resolutions, no matter now whether we are to call them Irish or British, the two kingdoms being about to be so closely united for the future. We are to finish them this evening, and next *Monday for certain* the last debate on them is to take place on the report, where very few—if any—amendments are intended to be offered; and it is almost agreed by the Opposition to confine the debate to the spirit of them.

"Last night, Fox took fresh ground again and was an *English* patriot, moving to leave out the whole clause which was to secure to Ireland an effectual preference over every other country. The words effectual preference, after a long cavil, were altered to effectually favor—a distinction without a difference; but Fox was not contented, and argued speciously enough 'that we might be involved in difficulties with any country—if such a one exists—whose product we are bound by treaty at present to import *duty free*, and how could we do this consistent with the proposition, to comply with which we must certainly lay on a duty?'

"No one, however, on either side the House could recollect that England is at present engaged in any such treaty, and the clause passed, as enlarged afterwards and explained by Pitt.

"Another violent opposition was made against the Irish being allowed to grant, as is their present custom, a bounty on the sale of a manufacture without our being permitted to lay on a countervailing duty here to balance such bounty. But on this, as well as on every division in the committee, we beat them—80 to 20, 70 to 15, &c., &c., having many divisions in the course of the evening. I can only say, in one word, that

Pitt never suffered any sort of amendment or comment unfavorable to Ireland to be directly or indirectly introduced in the course of this affair, of which your Grace may, with confidence, assure the Irish, except they should deem such the explanations relative to the E[ast] I[ndian] trade, and our declaring their trade in general to be subject to any regulations we may make for the benefit of both. Indeed, the propositions as they came over here, I must say, had left a great deal to be done in them, and whether manufactured here or in Ireland, or in both, were certainly in a more incomplete state than was expected by Pitt's friends. I shall not trouble your Grace with any further accounts till after the report. The printed resolutions will be finished, I suppose, by Friday evening, and your Grace will receive them from Government quicker than I could send them by post; but as some slight amendments may possibly be received on the report, I shall insert them in a printed list and transmit them as soon as possible after the division on Monday next, being the last edition *auctior* and *emendatior* of the House of Commons here.

"Receiving no sort of instruction from your Grace on the subject, and not even knowing whether in some of the clauses it would be proper for a member of your Grace's to adopt implicitly Mr. Pitt's arguments before the consent of Ireland is obtained, and, above all, never finding out but with great difficulty what Mr. Pitt intends when he first moves any resolution, waiting, as he often does, for Eden's or Fox's conduct upon it, and thoroughly convinced that an unauthorised member for Bramber would not add much weight in the scale, if I do not in the meantime receive any instructions to the contrary, I shall reserve all my eloquence for some future occasion; perceiving, too, that this is a subject on which as much ignorance has been displayed by both sides of the House as I ever remember in any question." The session will end here about the middle or end of June. The Opposition, who had formed sanguine expectations after the division on the scrutiny and the introduction of the Irish business in such an incomplete state, have most of them left town. I don't know who are the principal advisers in this Irish business, but *Jenkinson*, next to Pitt, has taken the greatest lead. *Rigby* has never been but in one division, and *Vernon* I think I have never seen. *Lord Ossory* has divided with us only once. *Lord Beauchamp* has been always with us. "I believe all that are marked above are Irish placemen."

The Duke of Rutland to William Pitt.

1785, May 26. Dublin Castle.—"The letter which I wrote to you a few days since in relation to the clause for perpetuating the hereditary revenue contained my unequivocal sentiments on its fate whenever it should come to be proposed to the Irish Parliament. I stated to you some modifications which I thought might be carried, if they should prove satisfactory to you, and correspondent with the objects you wished to establish. My opinion on this matter was not adopted lightly, but formed upon conversing with the principals of those from whom I am to expect the most decided and effectual support.

"The question in reality is a question of words; you have already the substance in that close connection between the hereditary revenue and the additional duties which renders it impossible, while the additional duties subsist—that is, during the existence of Parliament or Government—that the laws passed from time to time for their collection should [all] fully aid the collection of the hereditary revenue, for which there are so many perpetual provisions. You will consider the papers Orde

has proposed to you for a clause in the Act, and determine whether one of them will not establish satisfactory permanency. Do not alarm us here by requiring that the Revenue Bill shall be made *perpetual*. The word cannot accord with experimental provisions, as the idea must revolt when it is connected with felonies new created, and newly fangled, and unconstitutional modes of proceeding against persons who for the first time are here involved in felony. Mr. Grattan terms it a covenant which for the extension of commerce sacrifices and destroys the constitution. At the same time, if the urgency of the moment and the difficulties of your situation should compell you still to adopt this clause, unqualified and without modification, every exertion on my part shall be employed to reconcile men's minds to the whole of the propositions as they may ultimately be received from England, and though I can afford you no sanguine expectations of success—as far as may relate to that particular clause—yet every point which is tenable shall be contended for, and your battle shall be disputed inch by inch. The explanation you have given on the article of beer is a matter of consequence and will go some way in reconciliation.

"Lord Glerawley is not included among those who are *at present* to be promoted in the peerage. He has made his application to me, but without mentioning a title. My recommendations are confined to those originally mentioned to His Majesty." *Press copy.*

Lord Sydney to the Duke [of Rutland].

1785, May 28. Whitehall.—We expect a good deal of debate in the House of Lords, but I trust shall be more expeditious than in the House of Commons. "I trust in the good sense of the Irish nation in general, as well as in almost every individual who composes it, that no one will be the dupe of so barefaced an imposition as the attempt of those who have failed in exciting a commotion in England to raise one now in Ireland, upon principles and assertions totally contradictory to what they professed in the beginning of this business. Mr. Pitt has signalized himself both by his temper and his ability during the whole course of this business to a degree beyond what his most eager advocates could have foretold." If the business answers, you and Mr. Pitt ought to stand, and will stand, in the opinion of both countries, equal to any men who have lived in them. A pretty beginning of a political career! *Marked* "Secret and separate."

William Pitt to [Thomas Orde].

1785, May 29, Sunday. Putney Heath.—I desired Mr. Rose to send you the report of our resolutions from the Committee. You will find that we had anticipated the substance of most of the alterations wished for on your side in the new resolutions.

"In the 16th resolution we have found it right to change the words *effectual preference*, as they were thought to imply that, be the inferiority or scarcity of Irish goods of *any description* ever so great, we must lay such duties on foreign goods as would still ensure to the Irish the possession of the market, or, in other words, as would absolutely prohibit the foreign. This was never intended." The addition at the end of the 16th only extends to American produce the principle admitted with regard to that of foreign colonies. In this extent it is absolutely necessary to compleat that system of preference to our colonies in the Irish market, which is an indispensible consideration for

the unlimited enjoyment of the colony trade. "The criterion taken of requiring equalization only where we have higher duties than on the produce of our colonies seems fair, as that will never happen but where our colonies can really supply us, and then they ought to have the preference." I am impatient "to hear how you think it possible to any good purpose to separate the regulations from the penalties necessary to enforce them. The amendments against which we had to struggle in the course of these resolutions were more than I can send you a detailed account of. The principal objects attempted by Opposition were to represent the conditions on the part of Ireland as inconsistent with its independent rights—I trust to the discernment of every fair man to see the fallacy of the insinuation, as well as the object of those who make it—to prevent the importation of some specifick articles from Ireland, as salt, &c.; to require bounties to be given in Ireland on the export of our manufacture equal to ours on the export of Irish, and similar bounties on the sale of our manufactures as of their own; to reserve the liberty of laying an additional duty on coal going to Ireland; to preserve the bounty on sail-cloth; to omit altogether the provision in the first part of the 16th resolution for *mutual preference;* to require compleat equalization of duties in all respects, both on export and import, between Ireland and *North America* with the duties in Great Britain; and to raise the Irish duties on the import of all *foreign raw materials* to the amount payable here. All these were happily rejected."

Postscript.—"I fear you can scarce take up the consideration of our regulations regularly till they are transmitted to the Lord Lieutenant, which cannot be till the Lords have agreed to them and a joint address is presented. We shall, however, make this interval as short as possible. I think it can no way exceed a week. We may immediately after the Lords have agreed, bring in a Bill to enact the substance of the resolutions, and after reading it a first and second time, appoint a day for the Committee, which will give time to receive an account of the proceedings of your Parliament. You shall have a draft of the Bill immediately." *Copy.*

The Marquess of Carmarthen to the Duke of Rutland.

1785, May 30. St. James'.—Introducing Mr. Hussey, at request of the Spanish Minister.

Sir Joshua Reynolds to the Duke [of Rutland].

1785, May 30. London.—"I hope your Grace will never think that it was want of respect has made me so long defer answering your letter. I waited till the Exhibition opened, in order to see the works of the landskip painters. The person I fixed on to send to Ireland I had not till lately an opportunity of speaking to on the subject.

"Mr. Webber is the person who has accepted the proposal, and intends setting out for Ireland in about three weeks. He is much in the habit of taking views from Nature, some of which are in the Exhibition, which he did from drawings he made when he was with Captain Cook; they are excellent pictures, and I am sure your Grace will approve of his manner of painting. The picture of Rubens' Wife was sold at a greater price than it was worth. It was not one of Rubens' best works, and there was a seperation of the pannel on which it was painted from top to bottom, which had been ill mended.

"We are going to erect a monument to the memory of Dr. Johnson;

we have all subscribed two guineas each. I will, in consequence of what your Grace has said, take the liberty of putting down your name for that sum.

"I acquainted Lady Lucan with your Grace's request in your own words, as they were so flattering to her Ladyship. She answered that she should set about it immediatly, as she has now found a picture of the Protector Duke of Somerset, which is in the possession of the Marquis of Buckingham, but she says it is but an indifferent picture, and she fears her copy will be no great ornament to your cabinet.

"I don't know how to give a description of my Venus, as it is called; it is no more than a naked woman sitting on the ground leaning her back against a tree, and a boy peeping behind another tree. I have made the landskip as well as I could in the manner of Titian. Though it meets with the approbation of my friends, it is not what it ought to be, nor what I should make it. The next I paint I am confident will be better.

"I have begun a whole length of the Duc de Chartres for the Prince of Wales, and the Prince is to sit for him. I have sent a head of the Prince to the Exhibition, which I hear is much approved off. He dined with the Academy at our great dinner before the opening of the Exhibition, as did likewise the Duc de Chartres. The Prince behaved with great propriety; we were all mightily pleased with him. I am sorry—*spatiis exclusus iniquis*—I have only room to say that I shall take care to execute your Grace's orders respecting the picture of the young lords when it comes from the Exhibition."

The Duke of Rutland to William Pitt.

1785, June 2. Dublin Castle.—"My anxiety to see reconciliation established in the Royal family, and to prevent the discredit which must necessarily arise to the nation from the circumstance of a Prince of Wales being abroad in a pitiful way, without money and at variance with his father, renders me solicitous that your exertions may be interposed to prevent him from quitting England, which I hear he is positively determined to do at the end of the session, provided his debts are not previously discharged. If he persists, the breach, I am apprehensive, will be irreconcilable. I enter not into original causes; but, at all events, it is the duty of us all to prevent, if possible, such a misfortune. The attentions I have received from him have naturally rendered me, as an individual, his sincere well-wisher, and as [an] Englishman, I must ever be anxious to see a good understanding preserved in the Royal family. I hear one objection to a settlement of his debts arises from his refusal to declare with whom they were contracted, and, I understand, from a point of honour to the parties, he thinks himself pledged not to yield up their names. Could not that difficulty be overcome? I am satisfied your feelings as a private man, as well as those of the Minister of the Empire, must lead you to think it disgraceful for the heir apparent to the Crown to be wandering in a foreign country under the paltry, inconsistent, or discreditable circumstances I have described. If I could become in any shape an instrument to prevent the completion of a step which must so deeply wound the feelings of a parent, I should feel myself singularly happy. Let me beseech you to bring about the payment of his debts, and to re-establish harmony in the King's family.

"Lord Mornington is gone for England during the recess. He will state to you how men's minds in this country are inclined towards the system to be brought forward. He has strongly conceived his

doubts on that part which relates towards the perpetuity of the revenue laws. But I trust your reasonings and conversation with him will remove his objections and reconcile his mind to all the various parts of the propositions. I wish the alterations had not been so numerous. However, we must at all events endeavour to make them palatable, which —with an exception to perpetuating the laws for [the] collection of the revenue in its *obnoxious* extent—I do not despair of. The attempts of faction will be to postpone any ultimate decision on the question to a future session. But the danger to the Empire from such an idea is too obvious for me not to resist it to the last extremity. I hope the Chancellor will press the propositions forward and admit of no unnecessary delay among the Lords.

"I shall have occasion by the next packet to write to Lord Sydney with a memorial from General Luttrel, requesting to be continued as a major-general on the future staff. His services in Parliament, and his real utility as a general officer on this establishment, are circumstances too essential for me not to become his warm advocate; and though, from the King's determination respecting the staff, I consider myself prevented from officially recommending him, yet as I have employed him in a very critical emergency, I must represent my wishes for his continuation, and I must earnestly beg of you to second my application in an effectual manner." *Press copy; also a rough draft of this letter dated May* 30, 1785. *Marked* "Most private."

Lord Sydney to the Duke [of Rutland].

1785, June 4. Whitehall.—Upon the change of the staff, the King thinks of Lieutenant-General Cunninghame as Lieutenant-General, Major-General Luttrell, in consequence of your earnest desire, to continue as Major-General for the cavalry, and Majors-General O'Hara and St. Leger for the infantry.

"We come to the end of our evidence, and Friday next will be the day of battle. Mr. Nepean received Mr. Orde's letter of the 30th to-day. It is strange that Ireland should think she has gained nothing by this bargain, while the manufacturers of Great Britain are inclined to think that she gains in fact the monopoly of the British market. Surely there is nothing unfair in supposing that the truth lies between the two, that is, that there will be a mutual benefit." I hope both may have the good sense and temper to see it. *Marked* "Secret and separate."

Daniel Pulteney to the Duke [of Rutland].

1785, June 7. Fludyer Street.—"I was this day a witness in the House of Lords how much Lord Stormont and Co. have profited themselves by the many nights they spent under our gallery, for of all the frivolous or mischievous motions made with us, none could at all equal one which your Grace will see the House has negatived." Lord Loughborough, in order to prove the necessity for producing to the House of Lords an account of all duties paid in Ireland on any raw materials or manufacture, said "the House would find a necessity for making the same exception for sugar that was made for beer, where the total of duty—eleven shillings—would have amounted to a prohibition. I could not, however, discover in that House, from appearances, the slightest disposition to give up any more from Ireland."

"It is now declared openly that this session shall not close till Ireland and this country have adjusted the affair finally by Bills for that purpose;

and the Irish need not murmur at their share in any delay when they consider how hard it falls on the English Parliament, who had sat till August last year."

"I hope and believe, from what I saw in the Lords to-day, that they are very resolute not to lose a single day, and, as the clamor has very much subsided, I hope they will be embarrassed with few or no more petitions."

The Earl of Mornington to the Duke [of Rutland].

[1785,] June 10. Stratford Place.—I write a few lines before I am summoned to attend my friend Hobart to Calais. "I have had a long conversation with Pitt, particularly on the subject of the *permanent provision*. I have great hopes that this point will be accommodated so as to meet the wishes of those persons in Ireland whose support is so essential to the credit and the permanency of the settlement. After the best consideration that I have been able to give to the amended propositions, I do not see any other point on which any reasonable man in Ireland could rest a material objection. I therefore do now form very sanguine expectations of their success. We are told here that Grattan and Daly have declared opposition, but I cannot believe it. The general opinion seems to be that the Lords will take about ten days to get through the propositions; the Opposition say a month, and threaten an encrease of petitions. I think there is every appearance of great strength in Government; if the Irish business succeeds they will be immoveable. As soon as the Lords have concluded, my brother and I propose to set out for Ireland, in order to give every support within our power. I have not mentioned the subject of the vice-treasurerships to Pitt yet, but as far as I can form a judgment from the opinions of persons whose information is generally very good, I am inclined to apprehend that your Grace has been misinformed with regard to that business. I do not find that any arrangement is in contemplation which could open those offices to Ireland."

James Byres to the Duke [of Rutland].

1785, June 10. Rome.—Some years ago you expressed "a desire of having The Seven Sacraments, by Nicholas Poussin, in the Bonapaduli Palace." At that time it was impossible to get them, but I have just now unexpectedly succeeded. The price is two thousand pounds sterling. They do not appear to have been ever cleaned or touched. "They must all of them be lined and cleaned. I get them, one at a time, from the Marquess, as the copies are made and put up in their place. I am in possession of four of them, and the fifth is now copying, but this is done with the greatest secrecy, and I must beg the favour of your Grace that, if you take them, you will not mention it until they are in your possession. Were it known that they were going out of Rome, they certainly would be stopped, as they were formerly, when Sir Robert Walpole had purchased them, and should wish that it were never known that they came through my hands, as it might bring me to some trouble here. If your Grace does not chuse to have them, I beg you will mention nothing of this affair and destroy this letter."

The Duke of Rutland to Lord [Sydney].

1785, June 12. Phœnix Park.—The accompanying letter marked "private" will show "the extreme delicacy of my situation in respect to the propositions, and the difficulties which, it is too probable, I shall

have to encounter in carrying them through the Irish Parliament under their present obnoxious form. I need [not] trouble your Lordship with a repetition of the opinions, together with the reasonings, of those persons who composed the meeting at Mr. Orde's apartments, as they are stated at large in my private despatch. But I think it necessary to add the names of some others whose support have materially contributed to establish tranquillity and give efficacy to my Government, and who will set their faces with effect against the propositions if the obnoxious part of the fourth [proposition] is retained. The Speaker, whose influence is very extensive, and Mr. Grattan, whose powers are universally acknowledged, will become formidable opponents to the whole system; and Mr. Daly, who holds a valuable office and whose Parliamentary abilities have as yet rendered my administration most essential service, has written to Mr. Orde to inform him that he cannot, as an honest man, give his support to all the parts of this arrangement. Should he persist in his opposition, I hope His Majesty will agree with me in that he ought not to be permitted to continue in one of the most lucrative offices in the country while he opposes the Government. In short, my good Lord, a general consternation seems universally to pervade," and the alternative of the failure of the propositions or their being forced through the two Houses with all their reprehensible parts, would be equally productive of the most unpleasant effects. "In case of the first event, the torrent of protecting duties [and] non-importation agreements would be impossible to be stemmed; and, in the last, the alarm and jealousy which has seized the minds of all descriptions of men would again, I fear, revive the spirit of volunteering, which it has been so much my object and the interest of G[reat] B[ritain] to extinguish. It is not my principle in any situation to despond, and I trust my exertions will be encreased as the difficulties may arise to be opposed; but it is my duty to represent to the King's Ministers the plain undisguised state of things, and the probable consequences which would flow from too tenaciously insisting on the obligation be[ing] expressly stated, when the recognition of the principle will be fully acknowledged, which, together with the holds Great Britain will ultimately have over Ireland, will be amply sufficient to prevent, on her part, any breach of this settlement."

I shall probably in a short time send a memorial to His Majesty from General Luttrell, requesting to be continued on the next staff. This memorial will have my best wishes. He has rendered great services to the Government, and shown great address in some very difficult emergencies. "Lord Temple can inform yourself how effectually he was employed, and with what dexterity he adjusted a very dangerous dispute between the army and the volunteers at Kilkenny."

Postscript.—"I had forgot to mention one instance of dirt, of meanness, and of ingratitude. In the same letter in which Lord Farnham acknowledges the notification of H[is] M[ajesty's] gracious favor in advancing him to the dignity of an earl, he informs Mr. Orde that he intends to oppose the commercial arrangement, at least the fourth proposition." *Draft.*

The Duke of Rutland to William Pitt.

[1785, June 12?]—"In my last letter I thought all our difficulty was centered in that clause of the last resolution which enacted the regulations for the collection of the revenue to be perpetual, but I now find another more formidable objection has arisen—I mean the fourth proposition—which has filled the minds of all descriptions of persons

with consternation and jealousy, and has left our cause almost destitute of an advocate. Mr. Beresford, who has very zealously undertaken a journey to London, and my official letter which Lord Sydney will receive by the messenger who will deliver this to you, will explain at large the sentiments of those on whose support I most depend. For form's sake, I will concisely mention the ground of difference and the objections which occurred and were forcibly insisted on by those friends who composed the meeting at Mr. Orde's apartments, and whose names are mentioned at large in my official letter to Lord Sydney."

"This is simply the ground of jealousy which has universally extended itself and has become a matter of general alarm, and which, if it has not made our success impossible, has at least rendered it a very precarious and equivocal point. I have stated more at large in my letter to Lord S[ydney] my apprehensions as to probable consequences. He will of course communicate to you my two letters. I hope I may find myself deceived. I feel the importance of the cause in which we are embarked, and, be assured, I have the success of your Government and the welfare of the Empire most sincerely at heart. Some persons have pledged themselves openly and fairly to support, and it would be therefore but candid to tell them what specifick hope they may entertain of the accomplishment of their objects—I mean as to the creation of Marquises and as to the establishment of the offices of the Vice-Treasurers into this country. I wish to have some declaration made on these heads, that I may not flatter men who are zealous in our cause with unsubstantial expectations. I hope you will enable me to explain myself distinctly on these points, as they may possibly become a contingency essential to our success." *Draft. On the fourth page is an account of the debate in the Irish House of Commons on the 4th proposition.*

The Marquess of Buckingham to the Duke [of Rutland].

1785, June 12.—Recommending the bearer, Mr. Sherwin, who is painting a picture of the installation dinner (of the Order of St. Patrick) in 1783, and who wishes to take portraits of the Knights and others.

Lord Sydney to the Duke [of Rutland].

1785, June 14. Albemarle Street.—This will be delivered to you by Lord Courtown, who has an application in favour of his brother, Dean Stopford. He will give you some account of our proceedings here. The Opposition are creating as much delay as possible, and are using every possible means to raise dissatisfaction.

Daniel Pulteney to the Duke [of Rutland].

[1785,] June 15. Fludyer Street.—I was in the House of Lords last night, "where they appear to be teized and tormented, as Lord Camden truly called it, as much below the bar as we were in the House of Commons." We are all ignorant whether the bills are to be passed this session.

"The shop tax occasioned a trifling mob yesterday from the shops being shut up and the journeymen, &c. being let loose, drunk and idle. Pitt, however, walked from the House of Commons with McNamara and Beaufoy with no other inconvenience than hootings, &c. to his house in Downing Street." McNamara, on his return, was a little hurt, and Beaufoy took shelter in a house of which the mob broke the windows.

"In the evening a concourse was drawing together towards Downing Street, and had almost got possession of the street, when some horse and foot Guards were called out, and after two or three hours the people were dispersed without any sort of mischief." "One of my Bramber friends, who *told me* he was a smuggler, has called here, whom I made drink with me, explained politicks to him, and gave him five guineas; from all which circumstances I flatter myself he will make a favorable report of me on his return, as he seemed very well disposed to do when half drunk. The man's name is Owen. Mr. Hill has told me since he is the idlest fellow in the borough, and that I should not have given him anything; but this I fancy he would have hardly thought a good property in their member, especially as he took care to tell me that he never parted from your Grace's without a bottle of wine." Dr. Sutton is dying. I find it the general opinion in the House that we shall go through the Bills this session. I hear Evelyn Sutton has again gained his verdict against Johns[t]on. I suppose the Governor will appeal to the Lords, though doubtless with the same success as his former appeals.

Colonel Richard St. George to the Duke of Rutland.

1785, June 15. London.—Concerning a duel between Lord Mornington and Mr. Vernon, as to which Mr. Grattan had been consulted and had expressed his positive opinion that Lord Mornington must fight.

Lord Sydney to the Duke [of Rutland].

1785, June 16. Albemarle Street.—Mr. Hussey, an Irish priest of suspicious character, has lately disappeared from London, and is supposed to be gone to Ireland. He was formerly employed with Mr. Cumberland to make a separate peace with Spain. We go on in the House of Lords not expeditiously, but from day to day.

Daniel Pulteney to the Duke [of Rutland].

[1785,] June 23. Fludyer Street.—The resolutions being at a stand, I have not written lately. I could only have sent the common conversation, which was "that Beresford had alarmed the Ministry with his accounts of Grattan, Perry, &c. being averse to the fourth resolution, and that they were not yet determined themselves what to do in it. The same opposition is clogging the business in the House of Lords that opposed it before in the Commons; and from what I saw in a newspaper, if Mr. Grattan *invites* the same sort of obstacles in Ireland, I cannot think it possible to conclude the business this session, though Pitt declared otherwise yesterday." Several of our supporters having told me they should not return from the country for it, and almost all the Opposition having left town, there will only be left George Sutton and myself and a few Treasury people; and though we passed many good laws last year by ourselves, Pitt will hardly bring the amended resolutions, to which there will be new opposition, before so thin a House.

"All sorts of people are getting all sorts of places here." Several people must go out to India in October; but, "according to the vulgar proverb of the nearer the church the further from God, Sutton and myself, who are the most constant adherents Pitt has, are to be kept as pure and independent as Lord Chatham, Banks, Wilberforce, &c."

I need not repeat that nothing can hurt Pitt with the present House of

Commons, though he is going on in a very honourable, bold career to settle the credit of the revenue, and of course, by such a number of new taxes, to have all the rabble his enemies without doors.

The Earl of Shannon to the Duke [of Rutland].

1785, June 24. Castle Bernard.—"My stay in the south will depend upon the progress of the Irish propositions in England. The arts practised to obtain Volunteer resolutions are repeated again to inflame the minds of men against their own interests. The conduct of some individuals in the metropolis has done much mischief, and from such authorities the uninformed are apt to take everything upon trust. Mr. Sheridan's speech is in everyone's hands, and has been dispersed by the grose."

The Marquess of Carmarthen to the Duke of Rutland.

1785, June 24. St. James'.—Introducing Monsieur de Correa, a Portuguese gentleman.

Daniel Pulteney to the Duke [of Rutland].

[1785,] June 24. Fludyer Street.—I think that "most solid and lasting benefits will be gained by Ireland, such as she ought to receive if she has industry to merit them, but that those benefits will be *gradual* and not *immediate*. It is the confusion of these two points of view that has given the alarm to *our* manufacturers, and it would very much please Mr. Grattan, or any other zealous Irishman, to hear the evidence I have this day been present at in the House of Lords." The exports of so many millions in all branches of trade, "the ready-money trade here, the certainty of many workmen, manufacturers, &c. emigrating in small parties to Ireland, and the gradual melting of one commerce into the others, ought to be such a prospect to a moderate and sensible Irishman as to make him consider the present as the real era of his country's greatness."

"With such a sincere disposition to benefit Ireland as this Ministry possesses, with the impossibility of any other Ministry—now pledged so far—doing so much, and the only alternative of nonsensical, speculative treaties with other nations who are either sharpers or beggars, Mr. Grattan must see very confusedly indeed if he does not agree to close the bargain directly."

The Earl of Hillsborough to the Duke of Rutland.

1785, June 25. Hillsborough.—We hope to see you and the Duchess at our races, but my fear is that the propositions may come over from England just in time to interrupt them. They begin on the 18th of next month.

The Duke of Rutland to Lord Sydney.

1785, June 27.—Transmitting a memorial of Lord Rosse. *Draft, marked* "Private."

The Same to the Same.

1785, June 27.—Transmitting a memorial from General Lyon. *Draft, marked* "Private."

J. Beresford to [Thomas Orde].

1785, June 27. London.—Yours of the 24th arrived here this morning. I waited on Mr. Pitt to learn the probable course of business, that you might judge how to act upon the meeting of the House on Tuesday the 2nd of August.

"Mr. Pitt says the Bill will be ready by Friday and will be brought in on that day; and if so, the printed Bill, the address, and resolutions will be sent off on Saturday at furthest, and be with you on Tuesday or Wednesday, so that a further adjournment seems unnecessary." Some further time must be given for gentlemen to come up, and I suppose we may enter on our business about Tuesday the 9th of August, by which time I shall certainly make my appearance. I shall be uneasy until we hear from you how the friends of Government receive the alteration in the plan by arresting the Bill and sending the resolutions. *Copy.*

The Duke of Rutland to William Pitt.

1785, June 27. Phœnix Park.—"Your letter of the 20th was very safely delivered into my hands by Colonel St. George, and I perfectly admit the force of your reasoning, and acknowledge that jealousies have been raised on constitutional points which were never in contemplation to be affected; but we have the unalterable prejudice to contend with, and that prejudice has universally obtained. I do not, however, despair that certain accommodations may cancell the objections without impeaching the principle of the system. The bill of which you have transmitted the sketch will, I am persuaded, go a great length towards reconciliation, and most persons who have considered it admit that it removes the material difficulty. I purpose seeing Mr. Grattan in a day or two, when I shall mention the idea to him hypothetically, and I hope to be enabled to send you a good account of his sentiments. The Speaker declares himself satisfied, but still inclines to postpone the discussion of the business to a future session. I see innumerable difficulties from the operation of all sorts of faction should such a suspension be acquiesced in, and I am persuaded you agree with me that it would prove a very dangerous experiment. The task of satisfying this country is in truth a very precarious business, but yet I think it is open to accommodation, and I trust you may so far concede, without abandoning the principle of your system, as to render it congenial to the feelings of the people of Ireland. I must beg of you not to despair that fair modifications will not be accepted on the part of this country; I rather incline to believe they will, though I will [not] pledge myself for a nation which, with ten thousand generous qualities, is more governed by passion and prejudice than any other under heaven. I will use my utmost endeavours to reconcile and to produce satisfaction. You may depend upon Mr. Beresford. He is very competent to state to you every objection and demur which may be likely to arise. He is attached to the interest of the Empire at large, and I believe particularly wishes well to our administration.

"Daly has not as yet been in Dublin, but we may hope that the bill will be admitted by him as perfect accommodation. I wish the jealous scruples, the nice distinctions and refinements of Grattan on a point which he considers peculiar to himself, and on which he assumes an exclusive judgment, may be as easily adjusted. I shall endeavour, if possible, to settle his mind before he can create further mischief from apprehensions—pretended ones at least—that men's minds are

inflamed, and that he will not come to the examination of the system with decided aversion from, and the strongest prejudice against, the whole of it." *Draft.*

Daniel Pulteney to the Duke [of Rutland].

[1785,] June 28. Fludyer Street.—You must not be uneasy at our division here of only 47 to 33. I was one of the tellers. The debate was unexpected. There were not half of the Treasury, Admiralty, &c. in the House, but Pitt preferred closing at once to sending out for members. The Irish business goes on in the House of Lords. It is a pity Mr. Grattan could not hear the accounts given by our manufacturers, and the *certain* proofs that Ireland must run away with every trade, art, science, and capital, the moment the system is concluded on. "As to the fourth resolution, if they are determined to find in a commercial treaty a concealed system of tyranny, and if, at the moment that England is half ruined for asserting her last open claims on America, it is conceived we are so mad as to tamper with any more such chimerical policy, there can be given no possible answer to Irish suspicions."

Daniel Pulteney to Robert Thoroton.

[1785, June 29,] Wednesday morning.—Eden has found an objection to some of the amendments by the Lords that they are alterations affecting the money of the subject, to which Pitt will give his answer on Friday. Parliament cannot break up until Saturday week, but is expected to rise a day or two after that.

Lord Sydney to the Duke [of Rutland].

1785, June 30. Whitehall.—His Majesty, though most unwilling to break in upon his regulation, has acceded to your strong recommendation that General Luttrell should be continued on the staff. Let me advise you to prevent this step from being drawn into a precedent. *Marked* "Secret and separate."

Daniel Pulteney to the Duke [of Rutland.]

1785, July 1. Fludyer Street.—Pitt was hard driven in a division yesterday respecting a trifling job for Thornton, on which the Treasury were divided. I left before the division, as I should do Pitt very poor service and myself no sort of credit by swelling his majority, which would only multiply applications on him and disgust independent members. It was a job to give 2,000*l.* to Thornton's constituents, to which they have not a jot more claim than Mr. Owen of Bramber.

The Irish resolutions are fixed for the 8th in the Lords. Lord Tyrconnel and G. Sutton are the only ones of your friends left in town. I do not expect we shall have 200 in the House next Tuesday, and this will be made use of as an argument against going on with the resolutions this year. I think there is a langour coming over our friends, who, though they have not the slightest idea of going over to the Opposition, "will hardly walk across the street to work for the mere good of their country, and as to Treasury letters, they do rather more harm than good." I think "the old plan of Lord North, and afterwards of the Coalition, to divide the profits of a Ministry in their several proportions down to the lowest of their adherents, was too well calculated for modern times. But if Mr. Pitt

can long persuade a House of Commons that they are to spend their time and fortunes *independently* to support an *independent* Minister in great power and an income of 8,000*l.* a year, it will certainly be better for the country and more honorable to themselves, but will be such an instance of his eloquence as will raise him above Demosthenes and Cicero. I have even heard some of our most virtuous friends seriously complain that they never supported any minister a fortnight before in their lives without one dinner at least in the time, and it seems in this great duty of a good minister Pitt has almost deserved an impeachment."

The Duke of Rutland to William Pitt.

1785, July 4. Phœnix Park.—*Press copy, marked* "Secret and confidential," *which does not contain the postscript, and draft, which differs slightly.* [*Correspondence, p.* 107.]

The Duke of Rutland to Lord Sydney.

1785, July 4. Phœnix Park.—"I have written to Mr. Pitt an account of my unsuccessful interview with Mr. Grattan, and of the line of conduct which other person sof consequence in this country have thought fit to adopt within these few last days. He will apprise your Lordship of the situation of affairs. It will be needless, therefore, for me to trouble you with a recapitulation. I have only to observe that the Duke of Portland's faction begins to appear in every circumstance, and many emissaries are employed and are active in their exertions to disseminate mischief. For that honorable purpose Mr. Minchin is, I apprehend, at present in this country as a sort of agent to the party, and Captain Walpole, whose name is now before the King for the purchase of a majority—but whose promotion on this account I do not mean to obstruct—is, I hear, very assiduous in fomenting jealousies, and loud in all companies in arraigning the measures of His Majesty's Government. Lord Lucan is likewise in Ireland, for the probable purpose of giving his opposition in Parliament to the commercial adjustment. From these gentlemen more, in my opinion, is to be apprehended than from any endeavours of Mr. Hussey, against whom your Lordship has given me a caution. However, if we can accomplish a modification of those exceptionable parts, which Mr. Pitt seems desirous to accommodate to the prejudices and feelings of Ireland, I do not despair of bringing this important matter to a happy and honorable conclusion." Colonel Dundas is gone to England and will confer with you upon military arrangements, in which I am desirous of establishing a rotation in cavalry as well as infantry. "The wise policy of the measure is surely apparent at the first view. Local prejudices and personal attachment are very improper and dangerous for the army of the Empire to adopt, and are naturally contracted by a constant residence in one country; and in this, with all its jealousies against England, and with such a spirit of discontent and faction as for ever prevails, it is surely highly impolitick to permit that any part of the army should be permitted to be entirely Irish. I must beg leave to recommend this matter to your Lordship's most serious attention." *Press copy, marked* "Secret and confidential," *also draft, incomplete.*

Sir Joshua Reynolds to the Duke [of Rutland].

1785, July 5.—"I wish I could express the gratitude I feel for your Grace's kindness to me in interesting yourself so much in my business, which I think is likely to turn out very successfull.

"In regard to the subject of Mr. Beyers' letter, I would by all means recommend your Grace to close with it. Though two thousand pounds is a great sum, a great object of art is procured by it, perhaps a greater than any we have at present in this nation. Poussin certainly ranks amongst the first of the first rank of painters, and to have such a set of pictures of such an artist will really and truly enrich the nation. I have not the least scruple about the sending copies for originals, not only from the character of Beyers, but if that trick had been intended, he would not have mentioned a word about his having copies made. I don't wish to take them out of your Grace's hands, but I certainly would be glad to be the purchaser myself. I only mean that I recommend only what I would do myself. I really think they are very cheap.

"Mr. Webber has declined undertaking his intended journey to Ireland, and that partly by my advice. I found he misunderstood your Grace's intention, which was, as I apprehend, to give him your protection and encouragement so far as employing for six pictures; he, I find, expected that his expences would be defrayed besides paying for those pictures; in short, I thought it would be a troublesome business, and that it would be better to have done with it.

"Madame la Comtesse Genlis is just arrived. I had the honour of her company yesterday to dinner. She speaks English tolerably well, and has very pleasing manners. To-day she is gone to Windsor, the Queen having sent to desire to see her."

Postscript.—"I perfectly agree with your Grace that they should be sent as they are, without being cleaned or varnished."

Daniel Pulteney to the Duke [of Rutland].

[1785,] July 6. Fludyer Street.—"The House of Commons sat yesterday in a Committee on the Scrutiny Bill, which I believe I mentioned to your Grace was a most slovenly, incorrect performance of Pepper Arden's, but which was polished a little by 12 at night, when we broke up. As it is, however, of more consequence in Ireland, I suppose, to know the numbers than the merits of a debate, we divided twice, 72 to 32 and 89 to 44, which, considering the time of year, and that this is their favorite question, was a very grand majority, and which Steele knows I am not always useless in obtaining. I hope Pitt will find out as much in time; and on this subject your Grace will excuse my repeating a conversation of yesterday when dining above stairs in a mixed party, amongst whom were Francis and Sawbridge. The former stated the language of their party, 'that the Duke of Richmond opposed Lord Shelburne's being of the Cabinet, that this had occasioned Barré's attack on him, &c.' On my saying there was no probability that Lord Shelburne was displeased, having received a title for himself, such a good place for Barré, and such confidential situations for his secretaries, Francis said I had omitted the greatest post that one of his friends had got, 'the government of Ireland.' On Sawbridge saying he believed Mr. Pitt had his share in that nomination, 'No,' replied Francis very innocently, 'I don't believe the Duke of Rutland has any connection with Mr. Pitt; you see none of his friends here have ever got anything.' This of course made the rest of the party smile, but certainly was not intended by Francis, who did not know whether I was member for Bramber or Canterbury, and was a remark that I could not with propriety pretend to hear. But without any interested views on such a subject, I am sure it would be Pitt's interest to do something for some one or other of us, as I really believe that Colonel Sutton is half in doubt whether your Grace is pleased on the subject of Ireland, and he has left

town some time. Lord Tyrconnel is never in the House, or indeed anyone else of your Grace's friends except George and myself, who work on as contentedly as if we were assured by your Grace we were doing right once a fortnight. Your Grace shall hear from me certainly whatever may pass, in particular Friday next, though I only expect a very dull repetition of what has been before said in the House of Commons."

The Earl of Mornington to the Duke [of Rutland].

[1785,] July 8.—I cannot express how deeply I feel the kindness of your Grace's letter; it is a matter of solid satisfaction to me to have your approbation of my conduct in an affair where my honour was concerned. "Hobart and I are much indebted to St. George for the part which he acted; nothing could be more zealous, more temperate, or more honourable, than the whole of his conduct in the affair.

"I own I am a good deal alarmed at the accounts which I hear from Ireland of Grattan's opposition, and the general temper of the public; though I am firmly of opinion that the present system—properly explained in some parts—is equitable between the two countries, and essential to the interests of the Empire. I do not see that it is in any degree subversive to the independence of the Irish Legislature, nor do I see how that part of the treaty which is supposed to be so, can be relinquished by Great Britain, but I see plainly that Grattan is of a different opinion, and I know how forcibly his opinions will operate upon the public mind in Ireland. It will be a great calamity to both countries, as well as an undeserved blow to Administration, if this treaty, the great object of which was to restore tranquility to Ireland, should itself become a grievance of the first magnitude in the eyes of the Irish, and should throw us back to that state of jealousy and discontent in which we stood under Lord Carlisle's government. I fear that Grattan has power to do this. I am persuaded he will not use it unless he really thinks the settlement of 1782 invaded; if he does, then I apprehend a revival of all the old warmth of 1781. It appears to me to be worthy of the consideration of Government, whether it may be wise to press this system through Parliament this session under all the accumulated disadvantages which now attend it; to add a new ground of objection, as matters now stand, might not be safe, and certainly any appearance of force or of precipitation might tend to give additional vigour to the flame which has already been raised. I cannot conceive that your ground could be worse in the next session, and as you cannot expect to pass the book of rates this session in any event, it does not seem to me that the system can be pressed at this moment without some appearance of a wish to pledge Ireland hastily and by compulsion. I need not suggest to your Grace the mischief which any such appearance, however unjust a representation of the intentions of Government it might be, would cause in the present delicate situation of the feelings of Ireland.

"The House of Lords are to begin to debate the propositions to-day; how many days they may employ in the discussion cannot yet be said. I do not believe that the most sanguine expect that the business can be finally concluded, the address to the King moved, and the propositions sent to Ireland before Monday se'nnight. I suppose when they arrive in Ireland that petitions will be presented, counsel and evidence heard, and that an ample discussion cannot be refused; this will necessarily protract the session to an unprecedented length, and that very circumstance will put people out of temper."

I am much obliged for your letter to Mr. Pitt with regard to my

private objects. From motives of delicacy I have not yet mentioned the subject to him. I never doubted the sincerity of your disposition to keep the faith of Government with me, and am always happy to seize an opportunity of bearing testimony to your candour and justice. I certainly have not forgot either the promises of Government; but I assure you that neither expectation of what may be done on the one hand, nor resentment for what has been left so long undone on the other, can in the slightest degree affect the part which I and my friends propose to take on the approaching occasion. I know that your Grace has no other objects in remaining in Ireland but such as are honourable to yourself and advantageous to the Empire.

Daniel Pulteney to the Duke [of Rutland].

[1785, July 9,] Saturday morning. Fludyer Street.—You will see the debate in the House of Lords as early by this day's papers as I could transmit them by letter. There was little that had not been said again and again in both Houses, except from Lord Lansdown, who spoke with great information. Your conduct of this business on the other side is infinitely superior to that of Ministers here, who confine things to too small and uninformed a circle. "Pitt himself, however great, is not half equal to the variety of business his spirit and diligence tempt him to take on himself. It would be endless to repeat instances. A Mr. Popham, of the House of Commons, told me the man who receives 500*l.* or 600*l.* a year for drawing up Acts of Parliament says he has never been applied to by this Ministry; and such stuff is brought into the House by Rose and Steele, and frequently passed, as occasion great triumph to the Opposition." Pitt ought to beg, borrow, or buy some abler assistance.

The Same to the Same.

[1785,] July 13. Fludyer Street.—I met Lord Tyrconnel to-day behind the throne, who enquired very anxiously if I thought the resolutions would be in danger in Ireland. I said I thought they would not, and as I know he lives so entirely with Lord Delaval and that blockhead our schoolfellow, I took some pains to prove to him they would do no mischief here.

The Duke of Rutland to William Pitt.

1785, July 13. Black Rock.—We are waiting anxiously for the final event of the business which draws so near a conclusion. "You have full credit from me for your readiness, your compliances, and your exertions to reconcile to the prejudices of Ireland the various difficulties which in its progress have arisen in the way of a prosperous completion of the business. I well know you must have had many great obstructions to struggle with, and those obstructions were perhaps not solely confined to Parliament. I sat long enough in your Cabinet to be acquainted with the cavil and pertinacity of some of your colleagues; but surely, if they deal fairly by you, when we have joined issue on the spirit and have merely words and explanations in dispute, they will not obstruct such explanations as may still be necessary to ensure our success in this country. The three first sheets of the bill have, by some accident, not been transmitted, and untill they arrive it will be impossible to determine the total of the objections which may lie against it. Some few have been stated

to me which, I confess, I think founded. There is one clause which, if it be intended to refer to sugar and other articles similarly circumstanced in point of duties, will require some explanation, otherwise excessive duties will tend to exclude the intercourse for so much between the two countries, contrary to the profession and the principle of the adjustment. The clause respecting patents will likewise require alteration, as British patents will never be allowed of force in this kingdom. The concluding part of the clause which relates to the continuance of the laws for collecting the hereditary [revenue] is unnecessary, and, I must confess, I think highly objectionable. Against the whole of this you know I have ever entered my protest. Would you compell this country to declare that if they do not grant perpetual additional duties they shall grant perpetual laws? The articles of preference from the colonies over the American States must be enumerated, for on that enumeration the favorable or unfavorable reception of that clause will depend. The eventual restriction of the trade with the East, on the dissolution of the present charter, is conceived likewise to extend too far. Why should it be general? Let it be established on the same principle of limitations as those of the West India trade, and give the preference to the British settlements in the East as to the colonies in the West.

"I have cursorally run over the objections which remain to [be] adjusted. Mr. Orde, who has had a full conversation on every point with all the confidential servants of the Crown, will send them in detail, either to you or Mr. Beresford, by the same messenger who will deliver this into your hands.

"It would be injustice to mention Mr. Orde's name without expressing my satisfaction of his labors and endeavours to reconcile men's minds to the various difficulties which have arisen. I must bear the amplest testimony to his indefatigable zeal and exertions. He has brought the Speaker into a good temper, and I have much hope that he will render us essential service, and may perhaps settle the minds of those whose supposed defection has made us apprehend for the event of our propositions. In short, my dear friend, I begin to feel my strength, and though I will not too far indulge confidence, yet I confess I am sanguine. You have done your part by me so honorably, that, however unpleasant I may at any time find my situation, I will never cherish a wish to relinquish it while I can render the country service, give strength and support to your Government, and while His Majesty shall repose his confidence in my administration. In short, as long as you desire me to continue, I will not abandon my station. I am in doubt whether we shall be able to contend with the volunteers this year, and establish a militia; that must be determined by events in the progress of the propositions. I confess I should lean, if we had a tolerable prospect, to suppress them immediately. Nothing is safe while they are permitted to exist." *Postscript.*—"I never hear from or of your brother. I hope he is alive and well." *Draft, also fair copy of part of the letter, marked* "Secret and confidential."

Lord Sydney to the Duke [of Rutland].

1785, July 16. Whitehall.—The regard I have long borne to the Duke of Portland "makes me the more regret the appearance he now makes in the hands and under the direction of men whose characters are the reverse of his own. Mischief is always in the power of those who have as little ability as inclination to do good, otherwise two of the persons named in your Grace's letter as emissaries of sedition, would be

little to be dreaded. As for the third, I am hurt about him, as I liked him and love his family. But it is hard that men cannot be neutral at least, when they are asking for and receiving favours. The thing is stopped, and was so by the King before your Grace's letter arrived, but your generosity did not alter His Majesty's determination. The King will, I believe, consent to the relief and rotation taking place in the cavalry and artillery; but then he will expect that promotions should go as they do [in] England, and that way should not too frequently [be] given to favour.

"We report, or at least debate upon the report already made of the propositions, to-morrow. You can hardly form an idea of the barefaced and outrageous malignity of the Opposition, with the long-minded Stormont at their head.

"We have as arduous a task and as much to contend with as men ever had. Your contest in Ireland, I find, is likewise likely to be great, but I trust we shall do well at last." *Marked* "Secret and separate."

The Marquess of Lothian to the Duke [of Rutland].

1785, July 17. Waverley.—I shall attend the Lords on Monday on the Irish business—my first attendance this Parliament. I hear you are to make excursions during the summer to the west and north of Ireland. Let me know your intentions upon that subject. "I did imagine that Grattan would not have been with you, though I do not think he will be violent against you. His *situation* is undoubtedly the most particular one in any country; and though apparently against you, I am apt to think that in his heart he must be a well-wisher to the measures now adopted by you. As to Conolly, provided you can prevail upon him to speak against you, I think you will be, as they say in Ireland, a gainer by the loss."

Daniel Pulteney to the Duke [of Rutland].

[1785,] July 18. Fludyer Street.—Pressing the Duke to obtain him a place worth 400*l.* a year at home, or a place in the East Indies, and defending his conduct for not having taken a more active part in debate on the ground that "mere members from Bramber" could not do much service on his side of the House.

The Same to the Same.

[1785,] July 19. Fludyer Street.—In last night's debate Lord Camden, in a very able speech, took the English view of the question, and "Lord Thurlow defended the 4th resolution, beginning with the argument used by your Grace, that it was *in itself* one of the most striking proofs of that independency which they fancy will be affected by it; that one country *must* take the lead in making regulations respecting trade and navigation; that such regulations could not, on a variety of accounts, be made by *common* consent, though it would be impossible the *common King* of both countries would risque their wider separation by suffering anything partial; that any Minister here would be fool enough to attempt it; or that Ireland would acquiesce in it if any regulations were of that description, &c. Who then should regulate? The country already in possession of that commerce, better acquainted with it by its experience, and *ceding* its participation? or should the country *receiving* it, the more inexperienced and the lesser,

take the lead and regulate for us? That no solution could be effected of this alternative but a Union, which, however, was at present impossible. The union with Scotland was effected at last by those means which, if attempted in Ireland, would immediately produce a civil war, viz. holding out to that country powerfull temptations in some points and strong threats on the other, which Ireland would take fire at. But what were the consequences of that Union at this day, and what would be the effect of this system, which was as near an union as the nature of the countries would admit? Why, Scotland was infinitely richer, and England not a shilling poorer. Then, returning again to the 4th resolution, he said—he was not at all *damped* with what he had heard from Ireland; he knew that private enemies to Ministers, or public enemies to both countries, might be industrious in sowing alarms, but that the good sense of the respectable Protestants in that country could not but take the alarm on their part, when they considered all the alternatives before them." In last night's debate "Lord Stormont, after paying great compliments to the Chancellor, wished '*his* wisdom had more weight in the Cabinet, and that this Duke of Buckingham minister, this young Villiers, so all-sufficient in his own eyes and so insufficient in the eyes of everyone else, had shewn greater deference and attention to his colleagues.' Lord Derby, who is now leader of the Hussars in opposition, and who shines in that character, was, I think, less abusive than Lord Stormont." Lord Townshend spoke sensibly, and Lord Camelford said "that though this system was final and conclusive to all intents and purposes without the consent of both kingdoms to its alteration, yet if upon experience any article should be found injurious to both, or merely inconvenient, as they possessed two *sovereign legislatures*, by mediation between the two countries such articles might be remedied by consent, which was a superiority in this system over an union, because in the latter no authority existed sufficient to alter any fundamental points. This idea appears perfectly just, but could hardly be used with safety to a jealous Irishman."

I came in at the conclusion of Lord Sackville's speech, who had been proposing to address the King for appointing Commissioners, though I forgot to mention Lord Thurlow's answer to this idea. "It was, 'that the King had no such power without acts of both the Parliaments; that in debating such acts they should again have the principle of the system to debate; and after Commissioners had made a report, they should still have to debate that report; petitions and counsel against every article on one side the water or other, and both kingdoms in the meantime in a ferment and dissatisfaction.' Poor Lord Scarborough made a miserable effort in the course of the day, but though I was very close to him—behind the throne—I did not hear what he said, except his calling Pitt 'Phaeton,' or some such nonsense."

Sir Joshua Reynolds to the Duke [of Rutland].

1785, July 19. London.—"I set out to-morrow morning for Brussels, and consequently take the liberty of writing to your Grace in the midst of hurry and confusion. I have but just received a catalogue of the pictures which are now on view at Brussels. The Emperor has suppressed sixty-six religious houses, the pictures of which are to be sold by auction. Le Comte de Kageneck informs me the Emperor has selected for himself some of the principal pictures; however, there is one altar-piece which belonged to the Convent of the *Dames Blanches* at Lovain, which is to be sold. The subject is the Adoration of the Magi,

ten feet by seven feet eight inches, which I take to be about the size of your picture of Rubens. I do not recollect this picture accurately, and, what is *valde diflendus*, I have no notes to refer to—they are, alas, in your Grace's possession. This picture, I suspect, is the only one worth purchasing if your Grace has any such intention, or will honour me with discretionary orders in regard to other pictures. I shall leave orders for your letter to be forwarded to me at Brussels. The sale does not begin till the twelveth of September; during the whole month of August the pictures are shut up, but for what reason I cannot imagine. The principal object of my journey is to re-examine and leave a commission for a picture of Rubens of a St. Justus—a figure with his head in his hands after it had been cut off—as I wish to have it for the excellency of its painting; the oddness of the subject will, I hope, make it cheap. Whether it will be a bargain or not I am resolved to have it at any rate. I have taken the liberty to take Mr. Crab's verses with me, having but just now received your Grace's letter in which they were contained. I shall have time to examine them critically on the road. I shall have the honour of writing to your Grace again from Brussels."

The Earl of Hillsborough to the Duke [of Rutland].

1785, July 19. Hillsborough.—Regretting that they must give up the hope of seeing him and the Duchess at the races, and begging that Mr. Annesley may have the vacant place at the Revenue board.

The Duke of Rutland to Lord Sydney.

1875, July 19. Black Rock.—The recommendation of Captain Walpole to purchase a majority came to me as a matter of course, there being no competitor. I have no acquaintance with the party, but I hope no representations of mine have operated against him.

"We are waiting with the utmost solicitude for the final event of the propositions in your House. No news—according to the old proverb—I conclude to be good. I collect none but from the prints and from accidental private correspondence. The Duke of Portland's declaration of his own intentions, together with those of his party, in regard to Ireland makes the noise and has the effect your Lordship may imagine. It may be turned to great advantage. That interest will be blown up for ever in this country.

"Everything wears a chearful aspect, and from the principle of fair accommodation, which His Majesty's servants seem so wisely disposed to adopt, I flatter myself that this important and extensive settlement will at length be happily and honorably concluded." *Draft, marked* "Secret."

[The Same to the Same.]

[1785, July.]—Acknowledging the receipt of his letter of the 16th July, marked secret and separate, and stating his regret that his recommendation of Captain Walpole for a majority has not been confirmed by the King; also expressing his mortification at the insinuation expressed in the same letter that his military promotions have not been generally agreeable to the King, and urging the impossibility of his carrying on the Government if independent memorials sent from Ireland to England, without passing through his hands, are attended to. *Draft, in Thomas Orde's hand.*

Sir Joshua Reynolds to the Duke [of Rutland].

1785, July 20. Leicester Fields.—"Lord Lucan, who is just about setting out for Ireland, will present to your Grace the picture which Lady Lucan has made of the Protector Duke of Somerset.

"The landskip painter, Mr. Webber, which (*sic*) I have engaged, is at least equal [to], I think better than, Marlow. In regard to my visiting Ireland this summer, I am loth to abandon the idea; at the same time it appears impossible, when I consider the quantity of work which I have before me.

"May I now beg your Grace's indulgence and sollicit your interest in a matter which relates to myself. I believe I mentioned to your Grace the reduction of the salary of the King's Painter from two hundred to fifty pounds per annum. As there is great difficulty of having the old salary restored, as it would open the door to such numerous sollicitations, I thought there was an oppertunity of giving me a very honourable compensation in making me secretary and register to the Order of the Bath. Upon this ground, by means of Mr. Elliot, I asked for it, but it was too late; Mr. Pitt had already promised it to Mr. Lake, a gentleman who has some office in the Treasury. Since this negociation, Mr. Lake has been appointed one of the Commisioners of Accounts, a place of a thousand a year for life, and is supposed to be incompatible with his holding this place of secretary, etc.; at the same time, this latter is only three hundred a year, so that there can be no doubt, if he can hold only one, which he will keep. I have therefore to entreat your Grace to procure from Mr. Pitt that in case Mr. Lake relinquishes it, I may be the next oars (*sic*).

"If your Grace had been in London when Mr. Whithead dyed, I should not have despaired of having had the first promise. I have very little confidence in Mr. Elliot's interest, and therefore have not made a second application to him.

"Though, as I said before, the difficulties of my visiting Ireland are very great, yet in this case, if your Grace can procure me this honourable place, I should think it an indispensible duty to make my personal appearance to return my thanks with the order about my neck, though not on my shoulder.

"Mr. Pitt, I fear, has not much attention to the arts; if he had, he would think it reasonable that a man who had given up so much of his time to the establishment of an Academy, and had attended sixteen years without any emolument whatever, and who unluckily when made the King's Painter was the first person in that place who had their salary reduced to a fourth part, that he should have some compensation. I am confident your Grace would have seen it in this light had the place been in your gift, but a thousand apologies are necessary for my presuming to hope for your Grace's influence with Mr. Pitt in my behalf."

Lord Sydney to the Duke of Rutland.

1785, July 20. Whitehall.—"Lord Derby has shown himself by much the best debater in the course of this contest. Lord Loughborough has not exerted himself much. I cannot make the same reproach to Lord Stormont. The number of his speeches has seldom been less than seven in any one day, and the length of them has been grievous in the extreme. The virulence has not been weakened by the length. Lord Fitzwilliam has spoken longer, but not with more strength or less peevishness than usual. I have sent you the list of the minority and of their proxys. I believe Lord Sackville spoke and voted from

opinion; Lord Dudley to please his Worcestershire neighbours; Lord Radnor because he is for a Union; and Lord Grey de Wilton because he has been knight of the shire for Lancashire. The rest are mere party men. Their protest is wretchedly dull and bald. It is signed, as your Grace sees, by six lords only, and all of them *ames damnées* of Mr. Fox's. The Northites and Stormontites—if there be such *ites* as the latter—have all withheld their names. Their next game is to attempt a quarrel between the Lords and Commons, which point I trust they will not accomplish." *Marked* "Secret and separate."

General W. A. Pitt to the Duke [of Rutland].

1785, July 20. Shanes Castle.—I am obliged for your early intimation of His Majesty's intentions in regard to the staff. I am quite satisfied, particularly by the compliance with your wishes respecting Lord Luttrell.

Daniel Pulteney to the Duke [of Rutland].

[1785,] July 22. Fludyer Street.—In a full House where the Opposition did not dare to divide, we passed all the resolutions as amended by the Lords except the third, eleventh, and twelfth, which, as encroaching on the privileges of the Commons, were adjourned for three months; but Pitt moved as if *de novo* the same propositions almost verbatim. He explained that on Monday, if the resolutions came back from the Lords, he should move an address to the King, for communicating the resolutions to Ireland, I suppose, and move for leave to bring in a Bill framed upon the resolutions, which Bill when printed might be carried away by members during the adjournment; that at the end of next week we might be adjourned; and if the resolutions had been gone through in Ireland, we might meet again in October, to go through this Bill with any amendments that might then be found necessary.

Lodge Morris to the Duke [of Rutland].

1785, July 25. Maryville.—A complimentary letter, with a book on political history.

The Duke of Rutland to the Earl of Hillsborough.

1785, July 25. Black Rock.—"I was much concerned that I was obliged to remain in Dublin when such a prospect of amusement was offered as that of attending your Lordship at Hillsborough races." You have been misinformed as to any arrangements being in agitation. None of any sort are in present contemplation. You will have seen the result of the propositions in the House of Lords. The ninth resolution is satisfactorily explained, and I am sure there is the best disposition among the King's servants to make every fair accommodation which may be required. I have therefore sanguine hopes that this difficult settlement will be terminated to the mutual advantage and satisfaction of both countries. *Draft.*

Daniel Pulteney to the Duke [of Rutland].

[1785,] July 26. Fludyer Street.—The proceedings of the House of Commons have been decisive in favour of the resolutions. Though it was so late in the year, there were above 200 in the House, and at one

time, in looking over both sides, I saw we had about 170 to 30, and in that proportion we should have divided had they ventured on a division, or not been ashamed, as Dundas upbraided them, "to shew the weakness of their paltry party."

"Fox, Pitt, and Sheridan spoke at great length, and principally on the 4th resolution, where they all endeavored to shine. The last of them entertained the House with the wittiest and most ingenious abuse of the resolutions that I yet heard or could conceive had been at this time left unsaid; and if Mr. Woodfall—who is bought by the Coalition—can do him justice, your Grace will be entertained by so many ingenious, whimsical illustrations. I suppose Orde will have to combat the same reasonings, delivered with perhaps less wit, by some Irish patriots."

I will try to recollect the arguments Pitt used, "but must fairly say that one only—the treaty with Portugal—appeared to me to be a sort of case in point"; and if you should advise Orde how to argue it in the Irish House of Commons, he had better take the very strongest ground at first, and never quit it to display ingenuity.

[The Marquess of Lothian to the Duke of Rutland.]

1785, July 27. Waverley.—Pray let me have a line from you to let me know how the propositions have been taken in Ireland, "and if you are to undergo another bating or not." The Lord Chancellor's speech here on Monday was one of the very ablest I ever heard, but I think he brought in Mr. Grattan's name rather imprudently.

George Rose to [Thomas Orde].

1785, July 27, Wednesday. Treasury Chambers.—You will receive the address previous to your meeting on Tuesday. "I regret most sincerely the necessity of the resolutions going over to you. Every exertion has been used by Mr. Pitt to prevent it, but in vain. I see all the possible ill consequences which may arise from it, but I trust the address accompanying them will remove all the ill effects of them. You will, I am sure, admit that the warmest enthusiast for Irish liberty could not have worded it more strongly. Anxious as I was to avoid the resolutions going, I could not urge Mr. Pitt further than to endeavor to convince the Cabinet, which he did with all possible earnestness—failing in that, it was too much to press him to act against their united opinions." I can hardly find terms warm enough for Beresford, who is indefatigable to shew himself equally a friend to this country and to Ireland.

Thomas Orde to the Duke [of Rutland].

[1785, July 27?] Wednesday. Castle.—I am sorry you had the trouble of calling, and that I was employed upon "the present important doubts" with Lord Earlsfort and Mr. Foster. "I am sorry to inform you that both declared a decided opinion against the possibility of success if the resolutions should be sent over. It will surely be necessary to state this immediately to the other side. I will see the Archbishop, the Provost, &c. to-morrow."

Sir Robert Murray Keith to the Duke [of Rutland].

1785, July 30. Vienna.—Introducing Lieutenant-General Dalton, who wishes to register in the Heralds' Office the titles he has obtained from the House of Austria.

LORD SYDNEY to the DUKE OF RUTLAND.

1785, July 30. Whitehall.—I send you "the resolutions and the address of both Houses and the King's answer. The address went without a division in the House of Commons, and *nemine dissentiente* with us. The attendance in the House of Commons was very numerous for the time of year and extremely respectable from the weight, property, and character of those who came to town on purpose. The conciliatory paragraph relative to the legislative rights of the Parliament of Ireland was by no means agreable to those who wish to raise a flame on your side of the water, in which laudable and *avowed* endeavour I hope they will not succede."

The EARL OF HILLSBOROUGH to the DUKE [OF RUTLAND].

1785, July 31. Hillsborough.—"I am vastly pleased at the address of the House of Commons, which Mr. Orde was so good as to send me. If it were possible to stop the discontented brawl of faction, I should think this would do it. So soon as I receive the honour of your Grace's commands, I will, with all the strength I can muster, have the honour to attend you in Dublin, and I hope everything will pass entirely to your satisfaction, for then I am sure the true interests of both countries will be effectually served."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1785,] August 2. Fludyer Street.—We are now adjourned to 27th October. Very little has been said in all our debates about the Irish Government. The aim of the Opposition has been to find fault with Pitt and Jenkinson, and with that view to treat the Irish Government as subordinate, and of course to pique the Irish with that idea. Nothing has ever been said of you by name except by Lord Shelburne, and Orde has only been quoted as conveying Pitt's instructions to the Irish Parliament, in order to charge Pitt with duplicity. The Bill is not yet printed. I hear Pitt has given Bates—Lord Sandwich's man—a commissionership in the Customs. Whish—the Duke of Newcastle's—has one in the Excise. I hope you will insist with Pitt that I shall have something half as good.

The MARQUESS OF LANSDOWN to the DUKE [OF RUTLAND].

1785, August 3. Bowood Park.—Introducing Monsieur Le President Virly.

* WILLIAM PITT to the DUKE OF RUTLAND.

1785, August 8. Burton Pynsent.—[*Correspondence, p.* 110.]

* The SAME to the SAME.

Same date. Burton Pynsent.—[*Correspondence, p.* 113.]

S. HAMILTON to the DUKE [OF RUTLAND].

1785, August 8. Dublin Castle.—Concerning the printing of the English and Irish Bills.

Thomas Orde to the Duke [of Rutland].

[1785,] August 8. Monday night. Phœnix Park.—It may be well to delay sending the letter which you have done me the honour to send me until we shall receive the Irish Bill, and see whether some observations may not be made on it. The English Bill has certainly some little difficulties, which I believe arise merely from hurry, but at the same time do not justify an entire declaration of its being unobjectionable. Perhaps the Irish Bill may satisfactorily explain them. It is indeed provoking that no authentic copy of the Bill has been sent to us.

The Duke of Rutland to Lord Sydney.

1785, August 8. Dublin Castle.—I have received your letter accompanying the resolutions. "It were much to be wished they had been reserved, and that the Bill which is grounded on them had alone been transmitted, as it may perhaps be found difficult to restrain the Irish House of Commons from attempting some vote of insult and violence, which, if carried, your Lordship must imagine would be productive of a fatal breach between the two countries. Mr. Orde has repeatedly represented in his letters to Mr. Beresford the dangers of this measure, and the opinions of all our confidential friends on this side the water respecting it. But in cabinets as well as in armys the greatest difficulties often arise within your own camp, as from the manœuvres of the enemy. The Bill—of which Mr. Beresford has sent a copy—is indeed free from all manner of objection; and if it were not for the unpopularity with which the production of the resolutions may be attended, I could promise your Lordship the certainty of a prosperous issue to that business. If anything could possibly damn the system and myself in this country, it would be this unfortunate step. But I hope the flattering unction of the address, together with the more solid advantages which are contained in the Bill, will so far conciliate and reconcile men's minds that I shall be enabled to stem the torrent of faction, which is in full tide to frustrate the good intentions of England.

"I do not express the hopes I have of success so sanguinely as perhaps I feel them, lest any unforeseen event should spring up to obstruct our progress. But the truth is, if our affairs continue in the fortunate course they seem now to have taken, I have no doubt that the exertions of the King's ministers in both countries will be crowned with the most honorable victory. No effort on my part shall be forborn to ensure success" to a system which is so essential to the service of the King and to the lasting advantage of the Empire at large.

"Mr. Grattan is wild on the business. He says the constitution is under . . . and indeed his general notions are so strange and extravagant, and so wide from any mark or possible compromise, that we must abandon all expectation of anything from him but extreme hostility and determined opposition." *Draft.*

The Earl of Hillsborough to the Duke of Rutland.

[1785,] August 9. Hillsborough.—Warning him that a mob is coming from Belfast to present a petition, and that he intends to come to Dublin as soon as possible in hopes that if he gets there before them they will disperse quietly.

JOHN MANNERS to the DUKE [OF RUTLAND].

1785, August 10. Pall Mall.—Recommending Mr. Parke as a proper person to succeed his father in the appointment of clerk of the peace for Leicestershire.

The DUKE OF RUTLAND to WILLIAM PITT.

1785, August 13.—*Draft.* [*Correspondence, p.* 115.]

* WILLIAM PITT to the DUKE OF RUTLAND.

1785, August 17. Putney Heath.—[*Correspondence, p.* 117.]

The DUKE OF RUTLAND to WILLIAM PITT.

1785, August 17. Dublin Castle. — *Draft, marked* "Private." [*Correspondence, p.* 120.]

LORD SYDNEY to the DUKE OF RUTLAND.

1785, August 18. Whitehall.—"It was impossible to avoid sending over the resolutions of the Parliament of Great Britain to Ireland, as, to be sure, neither Parliament would or indeed could have acquiesced in their suppression. In the present state of affairs, the determination which your Grace has taken of adjourning Parliament seems the most adviseable one, that time may be given for men of weight to cool and to see the business in its proper light.

"There are certainly men whose conduct can never excite astonishment, but that of Mr. Conolly is not of the number. It is contrary to every part of his former behaviour, and indeed inconsistent with every principle which he has hitherto professed." *Marked* "Secret and separate."

THOMAS ORDE to the DUKE OF RUTLAND.

1785, August 19, Friday evening. Castle.—It is absolutely necessary for me to ask you to return to town as soon as you conveniently can. Mr. Ponsonby is not disposed to relinquish his views, and I am convinced you are right "in letting him know the sense of Government and feel it by their displeasure." There are several persons whom you must see and talk to as soon as possible.

LORD SYDNEY to the DUKE OF RUTLAND.

1785, August 20.—"We received yesterday the accounts of what passed in the Irish House of Commons on Monday, and are inclined to think you have taken the most adviseable step under the present circumstances. Prejudice may subside, and faction, which avails itself of it, may grow less formidable. If there is a thinking part of Ireland, and they will reflect upon what they have rejected, they will repent. *Marked* "Secret and separate."

SIR J. REYNOLDS to the DUKE OF RUTLAND.

1785, August 22. London.—"I set out for Brussells the day after I wrote to your Grace, but left word that if any answer arrived to be

sent after me, but my stay abroad was so short that I missed it; however, I have since receivd it in London. I was much disappointed in the pictures of the suppresed religious houses; they are the saddest trash that ever were collected together. The Adoration of the Magi, and St. Justus, by Rubens, and a Crucifixion by Vandyck, were the only tolerable pictures, but these are not the best of those masters. I did not like the Justus as well [as] I did before, but I think of sending a small commission for it; the two others I dare say will not go to above 200*l.* each. The Vandyck was in the church of the Dominicaines at Antwerp. I was shewn some of the pictures which were reserved by the Emperor, which were not a jota better than the common run of the rest of the collection.

"Though I was disappointed in the object of my journey, I have made some considerable purchases from private collections. I have bought a very capital picture of Rubens of Hercules and Omphale, a composition of seven or eight figures, perfectly preserved, and as bright as colouring can be carried. The figures are rather less than life; the height of the picture, I believe, is not above seven feet. I have likewise a Holy Family, a Silenus and Baccanalians, and two portraits, all by Rubens. I have a Virgin and Infant Christ and two portraits by Vandyck, and two of the best huntings of wild beasts, by Snyders and De Vos, that I ever saw. I begin now to be impatient for their arrival, which I expect every day. The banker, Mr. Danoot, was very ill when we were at Brussels, supposed to be dying; if that should happen his pictures will be sold.

"There are no pictures of Mieris either at Antwerp or Brussels. All the pictures in those two places which were worth bringing home I have bought—I mean of those which were upon sale—except indeed one, the Rape of Sabines, for which they asked 3,500*l.*; excepting this, I have swept the country, and for this I would not exchange my Hercules and Omphale.

"I return Mr. Crabb's verses with many thanks, and many apologies I ought to make for the liberty I took in carrying them abroad with me; there are very beautifull lines in it, but it is not so much finishd as some of his other works. If your Grace should choose to send any commision for the altar-piece of Rubens, or for the Vandyck, the sale begins the twelvth of September; you will please to let me know time enough before the sale for the commision to arrive at Brussels."

E. Cooke to the Duke [of Rutland].

1785, August 22. London. Nerot's Hotel.—I did not see Mr. Pitt until to-day. "His reception of me was most satisfactory, as it afforded me the most immediate assurance that every part of your Grace's administration respecting the commercial intercourse was most cordially approved. I was extremely happy in finding that the measure of his disappointment was by no means answerable to the conjectures and wishes of many persons in Ireland; and he expressed much more satisfaction at the judicious exertions to mature and carry the measure than regret at its unavoidable failure for the present. He was perfectly sensible of all the difficulties that had been imposed upon your Government by the protraction of the business, and of the opportunities it had afforded for the efforts of Opposition to misrepresent and inflame; and he entirely concurred in the prudence of your Grace's determination not to press forward the measure whilst there was a prejudice against it in the country, which would prevent its true tendency from being acknowledged and its advantages allowed.

"Lord Sydney was present at my conversation with Mr. Pitt, which chiefly consisted in narration on my part, and which merely stated matters for his consideration, so that, at present, I have nothing decisive to write."

James Byres to the Duke [of Rutland].

1785, August 24. Rome.—I received a few days ago a letter from the Bishop of Killala, written by your desire, and was glad to see from it that you mean to have those pictures. The acquisition of them will make your collection the finest in England. "I have done nothing to the five that are in my possession except washing off the white of an egg that was upon them, with a sponge and water. I am glad you wish to have them in the state they were taken down, for I should have been much puzzled who to have trusted with the cleaning of them, both on account of the pictures and the secrecy necessary to be kept. The sixth is now copying. I expect to have it in a fortnight, and hope to have the seventh in about two months hence. As two of the pictures did not easily take the water, I imagine someone has rubbed them with poppy-oil to bring them out." I shall send the pictures as soon as I receive your directions about them.

The Same to [the Bishop of Killala].

1785, August 24. Rome.—I am glad his Grace is determined to add these fine Poussins to his collection. The more I see them the more I admire them. The plan of ancient Rome is not yet finished, but you may depend on having one of the first copies of it.

"The best prints published here since you left us are Signor Volpato's prints from Raphael's rooms at the Vatican. The large ones cost three crowns each; the smaller, two crowns. Young Piranesi is publishing a series of the best ancient statues; many of them are very well."

Sir William Hamilton writes to me that he has just returned from visiting the islands of Ponza and Faviniano [Favignana?], which he finds to be volcanic, and tells me that he has met with sufficient material to furnish another letter to the Royal Society. Sir James Hall and Dr. Home are just returned from a tour in Sicily and Calabria. They tell me the latter is still in a very wretched condition, the earthquakes continuing.

You know that the last Pope began a museum at the Vatican, which the present Pope has greatly enlarged and enriched with many monuments of antiquity found within the last ten or twelve years, particularly an Adonis, a Ganymede, an Apollo catching a lizard, a crouching Venus, an Apollo in the Lydian dress with the Muses, several busts *relievos* and vases, especially that of oriental alabaster, which contained the ashes of Livilla, sister of Caligula. A mosaic pavement found at Otricoli serves as a pavement to a large rotunda room, and there are other mosaics from Adrian's villa at Tivoli. Independently of these, the Pope has also collected a number of things that were scattered in private houses. The Vatican Museum is now, perhaps, the greatest collection in the world. Nobody would think it the work of a ruined state, for everything is done with the greatest magnificence.

"Prince Borghese is likewise repairing his villa. You know what a fine collection he has. It now looks more like the habitation of an Asiatic monarch than that of a European subject. I am told it has not cost less than 120,000*l.* sterling. Our countryman, Mr. Gavin Hamilton, has painted a room there representing the life of Paris," and

another countryman, Mr. More, who is now our first landscape painter, has just finished a very fine picture for this villa.

"Baltoni is still alive and painting large pictures for the Queen of Portugal, but such subjects as do no credit to the eighteenth century—new devotions and new miracles lately introduced or wrought in that country.

"A great sculptor, Signor Canova, a Venetian, has rose here since you left us; I believe amongst the very best we have had since the revival of the arts. His merit is recompensed, being employed in two great works—a tomb for the Rezzonico Pope and one for Ganganelli. You have probably heard that the present Pope has, at a great expense, built a new sacristy to St. Peter's church, a very bad thing. He has likewise undertaken the draining of the Pontine marshes, a much better and more useful work, in which, if he be well served, he will certainly succeed, there being no physical impedi[ment], there being sufficient declivity. He will not [only reg]ain a country of twenty-five miles long by fifteen broad [of the] richest land possible, but contribute much to the wholesomeness of all the neighbourhood. The post road goes now to Naples through these marshes on the foundations of the antient *Via Appia*, which shortens the way to Naples about eighteen miles and avoids the hill of Piperno."

The Marquess of Carmarthen to the Duke of Rutland.

1785, August 24. St. James'.—Forwarding a request from Mr. George Legard. *Marked* "Private."

General W. A. Pitt to the Duke of Rutland.

1785, August 27. Royal Hospital.—Requesting leave to go to England on private affairs.

Daniel Pulteney to the Duke [of Rutland].

1785, August 28. Dover.—Commenting on the reception of Mr. Pitt's commercial proposals by the Irish Parliament, and announcing his intention of going for a month to Brussels.

S. Hamilton to the Duke [of Rutland].

[1785, August 29 ?]—Mr. Ponsonby did not to me abandon his object, but will wait on you, by appointment, to explain his conduct. I stated to him very strongly the unhappy consequences of the step he had taken, and the necessity you found yourself under of maintaining your Government by *every* exertion if he should persist, and I think that his knowing your opinion from yourself may decide him against a measure in which I assured him he must fail. *Marked* "Private."

Captain A. Pye Molloy to the Duke of Rutland.

1785, August 29. Plymouth.—Giving a detailed account of the bad treatment he had received from Mr. Pitt in reference to a civil appointment promised to him, on his temporary retirement from active service in the navy.

The Duke of Rutland to Lord Sydney.

1785, August 30. Dublin Castle.—You will have heard "from Mr. Pitt of the impotent attempt of Mr. Ponsonby, and supported by avowed faction, to disturb the peace of this country by becoming a candidate for the Speaker's chair, in opposition to the express wishes of His Majesty's Government. The event has indeed only tended to demonstrate the strength of Administration, and he was obliged, on a calculation of his numbers, unconditionally to relinquish the pursuit of his object. It has likewise taught us to distinguish between those who support from principle and from attachment and those who, possessing great offices, wait only for a favourable opportunity to sacrifice their employers to the views and to the ambition of English faction. Government, I can safely assure your Lordship, is as strong as it ever has been at any period since the commencement of my administration. We must, however, employ the interval of the recess to increase that strength, and secure it against treachery and the sudden defection of our insidious allies. If it be not consistent with true policy at present to make examples, we must at least invigorate our Government by such an accession of force as to set apostacy at defiance, and to be enabled to conduct the King's measures with decision, independant of such hollow support." I have received an application for leave from the Commander-in-Chief. As this country is in a state of perfect tranquility, I see no reason against granting it. You will therefore be pleased to mention the matter to the King for his approbation. *Draft, marked* "Private."

The Duke of Rutland to William Pitt.

1785, August 31. Black Rock.—"My mind was much relieved by the receipt of your obliging letter, and by the account which Mr. Cooke gave me of the gallantry with which you received the news of our defeat. I cannot too much admire your magnanimity, but I am inexpressibly mortified it should have been put to the test by the failure of an object so extensive and important, and which had engaged so long the public attention; we must wait a more propitious moment. No pains or exertions on my part shall be wanting to explain to this infatuated country the real tendency and principles of the system, and to influence, if possible, their minds to its adoption. The effect, I think, may be produced at some future period, and perhaps not a very distant one. I have it much at heart, and if I can appropriate to myself one single sprig of those laurels which you are wreathing to your own brow, I shall be contented. Our affairs at present bear as favorable an aspect as our most sanguine wishes could possibly hope for. The hostile but impotent attempt of Mr. Ponsonby to seize the Speaker's chair has been only attended with this effect, to evince the strength of Government and to demonstrate the weakness of its unprincipled opponents.

"I must now trouble you with a detail of those objects which I have engaged to my friends to make a point of with Administration. I must confess myself to be much interested in the success of Captain Molloy's promotion to the government, mentioned to you, or to some respectable situation not incompatible to his profession. The Customs or Excise I take to be not absolutely inconsistent, as Captain Lutterel of the navy has lately received such an appointment. I very much wish to obtain an office of about 400*l. per annum*, not preclusive of a seat in Parliament, for Pulteney. He has nothing to live upon. I must either support him out of my own pocket, or he will be forced into the arms of Opposition

upon future expectations. He has in truth been very useful to me during the progress of the adjustment, by transmitting to me clear, distinct, and regular accounts of all that was passing. He would have no objection to considerable duty and attendance. I think you might employ him to effect. If no office of that description should offer itself, might I point out some situation in the East Indies. It would vacate a seat *for me*, and *he* would be provided for. My connection with, and my anxiety to serve Dr. Ekins you well know. I have constantly solicited every Church preferment since the commencement of Lord Shelburne's administration, and have been as constantly refused in favour of some person no doubt of better pretensions, and of more real and sincere attachment to the different Governments I have supported. I hope, however, at last he will not be forgotten. There is one object more, but as it involves very unpleasant and melancholy considerations, you will excuse me from expatiating on it. I can only say I am extremely anxious on that head. Lord Chatham will explain to what I allude; to him I refer you. These are the different objects which I must urge to you strongly, upon the plea of our public connection and our private friendship. I hope you will not think me exorbitant, considering the claims which ten years' opposition must have created, and that my influence has not as yet reached to the gratification of any one of them." *Copy, also a draft varying slightly from the copy.*

Vol. XXXII.

The Marquess of Lothian to the Duke [of Rutland].

1785, September 3. Waverley.—"It gives me the truest satisfaction to find that in your present arduous and critical situation you possess that spirit and fortitude which I always thought you would do upon the day of trial; and that, with your coolness and watchfulness, I trust and believe will carry you through all your difficulties with honour and *éclat*.

"I have, I think, some knowledge of the genius of Ireland; I believe most things I have conversed upon with you have proved that to be true. You are now in a situation where every act of yours will be canvassed, and I am glad of it, assuring myself you will weather the storm with firmness and satisfaction to your own feelings, and conviction to all the world, for Ireland in its present situation is a general object."

"I had a long letter from Dean Marlay, who tells me that notwithstanding the opposition of Grattan he has the highest respect for you. What the devil they can mean I cannot conceive, for the propositions, according to my conception, were more in favour of Ireland than the most sanguine man amongst them ought to have expected. It is better, however, that they should have met the fate they have done, than to have carried them through by a small majority.

"I most truly approve of your scheme relative to the cavalry. I mentioned it to poor Harvey twelve years ago. If it had then been put into execution you would have had a British cavalry instead of an Irish Roman Catholic one by this time. My plan was to send the two regiments of B[ritish] Dragoons that are yearly sent into Scotland to embark for Donaghadee, and the same transports to have brought over

two Irish regiments, which, if executed, would by this time have made the cavalry of both countries nearly British. I fear something serious must happen with an army of armed subjects; if it does the sooner the better in my opinion, as I hope France could not now do us so much mischief as she will be able to do some years hence."

Edmund Sexten Pery to the Duke [of Rutland].

1785, September 4.—Intimating his intention to resign the Speaker's chair, in consequence of increasing infirmities.

The Duke of Rutland to Lord Sydney.

1785, September 5. Dublin Castle.—The House of Commons have just elected Mr. Foster to be their Speaker. To-morrow the address will be reported, so that it is yet questionable whether I shall be able to prorogue Parliament till the 7th. At the close of the session Lord Shannon and the Archbishop of Cashell propose going to England. I hope you will let them know that I have at all times represented to you their consequence, and their steady attachment to His Majesty's Government. Such matters, though trifles, have their proper effect in promoting zealous service. *Marked* "Private."

Lord Sydney to the Duke of Rutland.

1785, September 8. Frognall.—I was glad to learn from your letter of the 31st August that the strength of your Administration is not impaired by the recent event. "The fate of Mr. Flood's motion, and the unsuccessful attempt to oppose Mr. Foster's succeeding to the Chair, seem to prove that, independent of the ill-founded jealousy entertained of the resolutions, no very formidable spirit of opposition to your Government exists in the House of Commons of Ireland.

"It gives me great concern, however, to observe how ready some of those, who have been treated by your Grace with confidence and favour, are to catch at an opportunity of making you an ungratefull return, especially if any prospect of personal advantage to themselves appears to present itself.

"I agree perfectly with your Grace that though it may be very proper to temporise, yet too much care cannot be taken to be prepared against the effects of a sudden defection of these insidious allies, and to collect such strength as may make it a less *prudent* measure for them to take such a step.

"It is indeed an unaccountable conduct in those, who have so much to lose in case of a confusion in Ireland." *Marked* "Secret and separate."

Sir Joshua Reynolds to the Duke [of Rutland].

1785, September 10.—"Though I have not been so punctual in answering your Grace's letters as I ought, yet I took care that nothing should prevent me from writing to my correspondent in Flanders, to desire he would go so far as four hundred guineas for the Vandyck, and three hundred for the Rubens. I could not in conscience give him a higher commission. Your Grace will certainly have them, I think within the commission. I must beg leave to mention to your Grace the

person I have employed in this business; his name is De Gray, a very excellent painter in *chiaro oscuro*, in imitation of *basrelievos*. He paints likewise portraits in oil and in crayons extremely well. He was very civil and attentive to me when I was at Antwerp, and was the means of my purchasing some very fine pictures. He then told me he intended going to Ireland, having been invited by Mr. Cunningham; and I promised to recommend him likewise to your Grace's protection, which I can with a very safe conscience, not only as a very ingenious artist, but a young man of very pleasing manners. I have no doubt but he is very happy in this opportunity of doing anything to oblige your Grace, and will be very zealous in the performance.

"I don't know how to account for the pictures at Antwerp not appearing so striking to me this last journey as they did the first. I was disappointed in many other pictures besides those on sale. It ought at least to teach me this lesson—not to be very impatient when anyone differs with me about the degree of excellence of any pictures, since I find I differ so much from myself at different times.

"I have inclosed the title and that part of the catalogue which has the Rubens and the Vandyck, which I apprehend is all that your Grace wished to see.

"The picture will be sent away on Monday by way of Liverpool. In the hurry of pictures I have neglected thanking your Grace for your kind sollicitations in my favour with Mr. Pitt. I am, as I certainly ought to be, as grateful as if it had been crowned with success.

"If your Grace wishes to remain longer in Ireland, I think I may congratulate you on losing the Irish propositions. If they had passed it is most certain there would have been a great commotion here by addresses from the manufacturers and inflammatory speeches to mobbs, that would probably have gone near to shake the Administration; but now all is quiet and settled again."

Henry Dundas to the Duke [of Rutland].

[1785,] September 10. Whitehall.—"After being almost faged to death, I set out for Scotland this afternoon to shoot and hunt for two months. The want of funds has prevented me sooner obeying your commands relative to Dr. Blair; but a pension having fallen in Scotland, which enables the King to do it, I have this morning mentioned to Mr. Pitt your wishes for a professorship of practical astronomy to be erected in the University of Edinburgh and the appointment conferred on Dr. Blair. It will be done immediately, and it gives us all great pleasure that, at the same time we are gratifying a wish of your Grace, we are serving a very meritorious man."

(Enclosure.)

Henry Dundas to [Dr. Robert Blair].

[1785,] September 10. India Board.—I have this morning settled with Mr. Pitt that you shall be immediately appointed Professor of Practical Astronomy in the University of Edinburgh. He has likewise undertaken to endeavour to get you the additional reward from the Commissioners of Longitude which you have been prevented from getting in the shape of a patent.

The Duke of Rutland to Lord Sydney.

1785, September 18. Phœnix Park—I embrace the opportunity of Mr. Orde's visit to England to assure you of the perfect tranquillity here.

"The instruments of faction have indeed endeavoured to nourish the flame of discontent at the different assizes, but as yet without any great effect. The meetings in the several counties which have adopted inflammatory resolutions have been formidable neither for property nor numbers. I have, in truth, sanguine hopes that this deluded country will ultimately be convinced of the infatuation of its conduct, and will at some future period implore with earnest solicitation that liberal and advantageous system which it now has thought proper to reject. Every means in my power shall be employed to instruct and regulate the national opinion, and, if possible, to emancipate the minds of the people from that bondage [of] error and delusion in which they appear at present to be enslaved." "I must not omit to mention that a pamphlet has been written by Mr. Sheridan, the Secretary at War, in support of the commercial adjustment. It is an admirable production, and well calculated to produce its intended effect." He has dealt honourably by the Government he serves, and his principles have not been warped by the influence of private connexion. *Draft, marked* "Private."

THOMAS ORDE to the DUKE [OF RUTLAND].

1785, September 19. Holyhead.—We have landed after a favourable passage of twelve hours. Be assured I shall attend to all your commissions, both public and private.

SIR JOSHUA REYNOLDS to the DUKE [OF RUTLAND].

1785, September 22. London.—"I am sorry to acquaint your Grace that there is nothing bought at the sale. I have inclosed Mr. De Gree's letter, by which it appears they went much above even the commission that you wished me to send. I cannot think that either the Rubens or Vandyck were worth half the mony they sold for. The Vandyck was an immense picture and very scantily filled; it had more defects than beauties, and as to the Rubens, I think your Grace's is worth a hundred of them. They are so large, too, that it would cost near two hundred pounds bringing them to England. I have sent the catalogue to Lord Sydney's office to be forwarded to your Grace."

The MARQUESS OF LOTHIAN to the DUKE [OF RUTLAND].

1785, September 23. Waverley.—"I was lucky enough to meet Mr. Orde yesterday at St. James', and of hearing, from a man who by this time I suppose is confidential, of the whole tenure of your conduct in Ireland, of which he speaks in the highest degree of applause. I hope you exult in the successful efforts you have made and carried through, so much to your own honour, and to the establishing a permanency to the Government here, which I hope they may have gratitude enough to own is in a great measure owing to your firmness and dexterity in Ireland."

"The success you have met with under the very arduous trials you have gone through will, I hope, make you remain where you are and fit you for greater situations; by that you will establish your political knowledge, get free from all your difficulties, and avoid the only danger that ever threatened your understanding, I mean chiefly your want of activity."

THOMAS ORDE to the DUKE [OF RUTLAND].

1785, September 23, Friday. London.—"I arrived in town yesterday, but found everybody so occupied in preparation to attend the celebration of the fête at St. James's that I had no opportunity of conversation before the evening. I dined with Mr. Pitt, and, after the departure of his other guests, I passed an hour with him alone," when I introduced every point of your instructions. The approbation, already signified, of your measures in Ireland was fully confirmed; and something more than satisfaction was expressed at the circumstances which marked the conclusion of our session. This was uttered not only by Mr. Pitt but by the *Lord President* and the two Secretaries of State, the only Ministers now in town. The idea entertained here of our future proceeding corresponds entirely with that which you thought advisable, and it is therefore recommended that no extraordinary exertion should be hastily used to force conviction "upon those who will certainly have greater doubts in proportion to the apparent pains taken to remove them." Mr. Pitt nor any of the Ministry are sanguine as to an immediate change in the prejudices of the country; but they are not uneasy at the consequences of delay. Mr. Pitt thinks that perhaps, "after all consideration, we may be most likely to draw on, under favorable circumstances, the great subject by the manner and reason of our resistance to the probable attempt of urging separate questions on distinct points —such as Construction of the Navigation Act, Protecting Duties, East India Trade. I am very glad to be authorized also, confidentially, to inform your Grace that the British Ministry will find no difficulty in maintaining the propriety of their own conduct in offering the terms they have offered to Ireland, or in declaring explicitly that they continue to take pride in the system they have digested and laid before the public, how advantageous soever it may justly be said to be to Ireland; and that they shall therefore wait with patience till Ireland shall become sufficiently attentive to her own interests to desire the reconsideration of the subject, ready at any time to stand forward in aid of her wishes to accomplish the plan.

"Another ground of pleasure and confidence will appear to your Grace in this further assurance which Mr. Pitt gave me, that they may venture to reckon upon such proofs of the strength and union of their Government, and of the happy progress of the measures taken for the recovery of the national commerce and resources, as will leave no doubt of any motive but a generous regard to the welfare of the sister kingdom having any influence with them in exciting their anxiety to establish the proposed system of commercial agreement with England. He is, at the same time, persuaded that we should watch every discreet opportunity of drawing forth the declaration of favourable opinion upon the plan, and of desire to have a liberal discussion of the detail in a committee of the House of Commons. With respect to the conduct we should hold to those who have fairly entitled themselves to reward, or made themselves liable to punishment, he entirely assents to that line which seemed to be your choice at the time I last talked with you on the subject. This would confine, though it would confirm, the extent of severity to Lord Bellamont, Mr. Burton, and Mr. Hunt, and would hardly put any limits to your own disposition to reward. The list of pensions and arrangements are approved, and I am to have further conversation about the new boards and marquisates, with this previous encouragement, that he is at present disposed to approve of both." "Upon the point of the vice-treasurerships, he is still unable to be more explicit than he has been, but he will see, and seek to satisfy, Lord

Mornington. The Prince of Wales will be a subject for our next conversation, but there seems little hope of being able to profit to any purpose of your friendly offer of mediation." As to your particular objects, Mr. Pitt will certainly take a very early opportunity of providing for Dr. Ekins, and will seek to make the other objects succeed as soon as possible. I had a fair opportunity of introducing, as you wished, the topic of the government of Windsor Castle, and from the warmth of satisfaction which Mr. Pitt expressed in receiving any hint of what may be a personal gratification to you, and of his zealous wish to accomplish it, I conceive the most pleasing hopes of success. The Duke of Montagu is, however, again restored to health. I ought to have mentioned at the beginning of this letter that I had a complete opportunity of conveying your messages of zeal and attachment to the King, and that I received from him expressions of very marked satisfaction and acknowledgment of your services. The office of Chief Remembrancer is given to Lady Harriet Pitt as her portion upon her marriage to-morrow with Mr. Eliot. It is worth 1,500*l.* per annum net. Old Lord Eliot will, it is hoped, be softened by this accession of income. *Marked* "Private."

Sir Joshua Reynolds to the Duke [of Rutland].

1785, September 26. London.—"Immediatly on the receipt of your Grace's letter I wrote to Mr. De Gree to make enquiry to whom the pictures were sold, and whether they would part with them again at a certain profit; at the same time, I am confident if your Grace saw them you would not be very anxious about possessing them. The Poussin's are a real national object, and I rejoice to hear that the scheme of their coming to England is in such forwardness.

"Mr. Boswell has just sent me his "Johnsoniana," which is one of the most entertaining books I ever read. If your Grace pleases I will send it by the same conveyance as the catalogue. I think you will be agreably amused for a few hours; there are Johnson's opinions upon a great variety of subjects, and Boswell has drawn his character in a very masterly manner. The Bishop of Killaloo, who knew Johnson very well, I think will subscribe to the justness and truth of the drawing."

The Rev. George Crabbe to the Duke [of Rutland].

1785, September 29. Stathern.—"It gives me much pain to inform your Grace that, from Mr. Dodsley's last letter to me, I have no hope of seeing the additional paper relating to your noble brother joined with the former in his Register, the pages of which he assures me were all laid out, though so long before publishing, in such manner that he finds it impossible to alter them or make any addition. He observes that in a future number (should he publish again) there will be room for any anecdotes or remarks that your Grace may choose to have inserted with reference to the character in the volume before. In this or in any other way, I shall think myself happy if I can be instrumental in setting forth such an example and portraying such a character as that of Lord Robert Manners. I hope your Grace will pardon me that I do not yet return the inscriptions; it would be impertinent to trouble you with the reasons of my delay, and I will only assure your Grace that they were such as made it impossible for me to be attentive, and you know, my Lord, there is no forcing a fitness in one's mind for these

things. I am now at home, and will try to do what I cannot but think your Grace has already done, at least in substance and strength, and I do not know but likewise in elegance and form.

"Your Grace having indulged me hitherto by hearing me speak of my own affairs, I take the liberty of informing you that Lord Thurlow keeps me yet in suspense, neither giving the living I applied for in exchange to any other, nor giving me any other reason to hope for it. Thus far, however, I think I may gather from his behaviour to me that he does not mean to be very uncomplying, and that if he does in this instance refuse me, he will certainly consent, whenever it becomes absolutely necessary, to my exchanging with some person in your Grace's neighbourhood. Should you, my Lord, hear from the Chancellor on this subject, I will be much indebted to you for the information, as this suspense, besides the pain of it, is a real hindrance to me, and if it be to end in a disappointment, no inconsiderable one, as I believe I could at this time make an agreement, though something disadvantageous, with a clergyman within a few miles of me.

"I have to beg your pardon, my Lord, for dwelling longer on this selfish subject than I intended, and once more to thank your Grace for your very kind permission for my returning to Belvoir, should we find Stathern very unhealthy. At present we are well, but are much threatened by report that in the winter we shall be troubled with agues, impassable roads, and the petty larcenies of my poor parishioners; but I have hope, as your Grace's wood is so convenient for them, that they will not be so wicked as to steal from their pastor what his patron can so amply supply them with."

The Earl of Mornington to the Duke [of Rutland].

1785, September 29. Stratford Place.—Since my arrival here I have had a long conversation with Mr. Pitt, who entered in the most clear, open, and friendly manner into my situation with Government and into theirs with regard to me. "He assured me of his sincere disposition to fulfil his engagements to me whenever an opportunity offered, either in Ireland or here, and of his resolution to accelerate that opportunity by every possible exertion. . . . He was so obliging as to express a strong sense of what he was pleased to term the liberality of my conduct towards Government, and to declare that Government must be insensible indeed if the part which I had acted did not stimulate them to the most assiduous diligence in the promotion of my objects. He said that he wished all unpleasant passages between me and any part of the Government of Ireland to be forgotten; that upon my own personal objects I might for the future communicate with that part of the Irish Government in which I had never suspected any other qualities than such as would conciliate and cement confidence and connexion, and with himself, whose good will towards me could not be doubtful; that with others I might communicate to such extent as I judged fit, and need go no further. He then expressed his hope that under all these circumstances I would not keep aloof from the Government because the accomplishment of my views could not be promised to a day. Although, as your Grace knows, I had, in consequence of transactions which I need not recall to your memory, determined against any confidential intercourse with Government until their promises to me were actually fulfilled, yet the clearness of Mr. Pitt's language, the evident sincerity of his professions, and, above all, the security he held out to me against future deception by throwing the whole weight of my

claims upon his own and your Grace's honour, and by permitting me to communicate with your Grace and himself as the managers of my interest, entirely overcame my former resolution, and removed every obstacle to my acceptance of whatever share of confidence you may think fit to entrust to me in the course of the next session." As a proof that I wished to profit by the good faith of Government rather than by their distress, I stated to Mr. Pitt that, in the event of Mr. Ponsonby's dismission, I had, in conversation with you, waived all claims upon the Post Office, conceiving that this office might be necessary to you in the construction of a new Government.

"From every appearance I conceive Pitt to be as strong as he has been at any period since the general election. I had much conversation with him relative to Ireland, on which subject we entirely agreed. His idea is to suffer the Bill to rest in peace, unless it is called from the dead by the voice of the people of Ireland, but, in the interval, to resist every attempt towards alteration in the present situation of the commerce of the two kingdoms."

Thomas Orde to the Duke of Rutland.

1785, September 30. Brighthelmstone.—I have passed three days here with Mr. Pitt, and "have, as much as the idle lounging of the place would allow, conversed with him upon the various objects which are interesting to your Grace's Government. He continues to entertain the same opinions he has already expressed" in regard to his project of a commercial treaty between Great Britain and Ireland, and "is entirely against any strong public effort to bring it forward, but would at the same time recommend every prudent endeavour to give a right turn to the minds of such gentlemen who, in their different counties, may have influence to introduce quietly a disposition among the people to consider their real interests, rather than to give a hasty current to passion and prejudice. He is not sanguine about the early period at which any effectual change may be worked; and as he is determined to prefer the probable duration of the compact and the acknowledgment of its real value to any appearance of credit or strength to his Government by an immediate completion of it, he is chiefly anxious that our language should be what it has been—to maintain the propriety of our conduct in the whole transaction and assert the conviction of benefits offered by the system to Ireland, and a persuasion that she will not always be so blind as not to see them, or so much her own enemy as to deprive herself of the enjoyment of them. He is the more confirmed in these sentiments by what I am happy to communicate of the state of this country in respect to improvement in its commerce and finances. I am assured that we shall be surprized indeed at the account he will be enabled to give in the next session to the public of the situation of their affairs; and he ventures to think that this may have an essential effect upon the temper and judgment of the Irish nation, who may thereby be less liable to be imposed upon by the insinuation that Great Britain is necessarily so sollicitous about a settlement with Ireland as to be likely to concede still further advantages in consequence of pretended dissatisfaction at the present proposition."

Mr. Pitt thinks the dismissal of Mr. Burton and Mr. Hunt indispensable, as well as the suppression of Lord Bellamont's pension. He will soon take the King's pleasure about the marquisates, so as to enable you to give a "*positive assurance*" on his Majesty's part, but he thinks you may still have doubts about the *time* of accomplishing this object of your Government. It will be necessary for me to converse with you

about the vice-treasurerships. Mr. Pitt has seen Lord Mornington and talked him into perfect good humour.

I cannot discover any dissension or any probability of change in the Cabinet; all seems settled for the present on the old footing.

Your interest at Scarborough will, I am assured, be taken care of. Lord Mulgrave does not compete with you there. The Continental news of peace between the Emperor and the Dutch is confirmed, but the ascendancy of the French party and the Prince of Orange's want of spirit and judgment threaten a revolution in Holland. I enclose a letter from Lord Walpole to Lord Sydney, from which I am glad to see that Major Walpole's family do not countenance his improper conduct. *Marked* "Private."

(Enclosure.)

LORD WALPOLE to LORD [SYDNEY].

1785, September 25. Wolterton.—Expressing thanks for the promotion of his son Captain George Walpole, and regrets for imprudent conversation on political matters which had been held by Captain Walpole in Ireland.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1785, October 5. Fludyer Street.—I am arrived here, and have very few acquaintances in town. From what I can hear, I find it a general belief that Pitt's Ministry is rather strengthened than otherwise by the capriciousness of the Irish. There is at present, both in France and Flanders, so great a passion for English manufactures that no *arrêt* can prevent their sale; and I was told by a banker at Lille, who was changing me a bill at the rate of twenty-five livres for 1*l.* sterling, an exchange of ten per cent. advantage, that Dunkerque and the smuggling towns had been entirely ruined by Pitt's Commutation Bill, and that it would be difficult to find 100 guineas of English money in all Flanders, whereas, during the period of smuggling, 200,000 were melted down there annually; and that, as Dunkerque is a free port, the best prospect the citizens had now, under the French King's *arrêt*, was to smuggle *against* their own country. "I saw myself, on the great square at Lille, a curious proof of the efficacy of an *arrêt*. The King had forbidden, under a great penalty, affixing over any warehouse *Magazin Anglois*, to avoid which I saw at Lille, over the greatest warehouse in the place, the following inscription *verbatim*: '*Magazin François*,'—lower in capital letters, and in English, 'where are likewise sold goods of all other nations.' But if the Irish do not choose to make a joint stock with the English in order to attain the same perfection with them, I cannot think they will rival us in foreign markets where we have beat out the natives themselves."

THOMAS ORDE to the DUKE [OF RUTLAND].

1785, October 8. London.—Mr. Pitt is out of town, and none of the Ministers will be here until next week. I have given Mr. Pitt and Lord Sydney memoranda relating to your objects, and shall receive their answers when next we meet. Everybody is in good spirits owing to the rise in the stocks and the consequent circulation of money. This is good for the credit and strength of Government, and arises chiefly from the extraordinary produce of the old duties, a certain mark of the increasing commerce and good order of the country.

I found from Mr. Pitt and Lord Sydney that Captain Molloy's particular object was the Government of the Leeward Islands, in case it should become vacant. May I take the liberty of mentioning that my brother, who is Governor of Dominica, has long been a candidate for an advantageous removal, and that the Leeward Islands have of course attracted his attention. I had been a solicitor for him both with Mr. Pitt and Lord Sydney. May I venture to hope that you will afford him your protection so far as not to raise any obstacle to his promotion?

I apprehend, from a letter received from Mr. Hamilton, that you may have quitted Dublin and begun your expedition southward. I heartily wish you an agreeable tour.

S. Hamilton to the Duke [of Rutland].

1785, October 12, Wednesday. Dublin Castle.—On official business.

The Earl of Chatham to [Thomas Orde?].

[1785, October.] Berkeley Square.—Conveying Mr. Pitt's assurances that he would seize the earliest opportunity to forward the Duke of Rutland's wishes with respect to Mr. Leslie.

Thomas Thoroton to the Duke [of Rutland].

1785, October 13. Belvoir Castle.—"I am here to obey your commands relative to the prints and the wine, which will set off for Dublin immediately." The scheme of the navigable canal to Leicester is so practicable at a very *small expence*, the injury to individuals so readily obviated, and the benefit so great to the whole *country*—I say *country*, for it will not be confined to the *county*—that Lord Harborough is excessively anxious about it. It is intended to bring the navigation up to Melton, to extend it to Oakham, and perhaps almost to Harborough. There is already more money subscribed than is wanted, as people are sure that the work will return amazing interest. It cannot fail of being the greatest utility to your estates in this county, and still greater to those about Ilkestone, Greisly and Hallam, as it will open all your collieries in those parts. The navigation up the Erewash is to be extended, and I hope even Swanwick will be benefited.

S. Hamilton to the Duke [of Rutland].

1785, October 13. Dublin Castle.—Lord and Lady Shannon set out to-morrow to prepare for your reception. I have told them that you intend to go to Castlemartyr before you go to Cork, and Lord Shannon said it would be more convenient. The Lord Mayor and sheriffs, with two aldermen, went last night to one of the unlicensed lottery offices, dispersed the assembly, and lodged the office-keeper in gaol; and to-day the Lord Mayor and Aldermen publish a proclamation declaring their intention to punish in like manner any person who shall insure lottery tickets. This step has saved the country fifty, perhaps one hundred thousand pounds. You will thank Sir Lucius O'Brien, privately, for suggesting this power of suppressing an illegal nuisance to be in the magistrates; and I trust you will approve my engaging that the expense of prosecutions would be supported by Government.

S. Hamilton to the Duke [of Rutland].

1785, October 14. Dublin Castle.—The storm prevents the arrival of any packet. "Another lottery office keeper committed last night to gaol has quite damped the spirit of insurance among the poor people. The impositions of those offices may be guessed from this circumstance, that one of them gave 182*l.* for the hire of a back shop not ten feet square, during the drawing, because of its situation near the place of drawing.

"Napper Tandy, at this day's Quarter Assembly of the city, suddenly and without notice brought forward resolutions against the Intercourse Bill; which passed the Commons, and after much debate were carried, also at the Board of Aldermen. If men when their interests are concerned will listen to Napper Tandy and preclude themselves from hearing the subject debated, they deserve the consequences of their folly. Every such occasion must make you rejoice in the line you have taken."

The Same to [the Same].

1785, October 15. Dublin Castle.—All is peace; I have, therefore, nothing to take up your time with, except to ask for your commands as to *the viscounty*. *Marked* "Private."

The Same to the Same.

1785, October 17. Dublin Castle.—The judges before whom Maurice Fitzgerald was tried being out of town, I trouble you with a respite for him for a fortnight, until Mr. Ahmuty can make the necessary application to the judge. "A fellow who, about a year ago, had tarred and feathered a poor shoemaker, and had contrived to put off his trial till this Commission, is convicted and sentenced to be whipped over the same ground by which he had led the poor tarred shoemaker." "I rejoice in this fine weather for your Grace's and the Duchess's sake. Sir Hercules Langrishe says you cannot fail, at this time, of seeing supereminent beauty in Killarney."

The Duke of Rutland to [the Bishop of Killala].

1785, October 18. Ardfert House, Kerry.—To-morrow we proceed to the Lake of Killarney. My reception has been very honourable at all places, and my journey has been made as pleasant to me as possible, and I hardly think it will fall off in that respect at the houses of Lord Shannon and Lord Tyrone. The country seems very quiet and loyal, "but I hear at Dublin Napper Tandy has contrived to lead the Court of Aldermen *by the horns* into some factious determinations against the commercial settlement. As to my own private matters, they are in *statu quo*. I wish the period were arrived in which the *final adjustment* on that point will be accomplished. The intermediate time is a time of discontent and irritation. There appears not the smallest inclination to make matters comfortable, tho' the period is so short, but a giddy, unthinking pursuit after diversion and pleasure, but no more. I wish you would talk to Norris about the footmen, who might be dismissed. I see no necessity of keeping two housekeepers." I do not know what alterations I can make in the servants out of livery, but you

might enquire into the use and abuse of each particular individual. My blessing to all my children. I hope Granby by this time can hit a button at a hundred yards distance. I admire Bob Thoroton's letter and importance.

Thomas Orde to the Duke [of Rutland].

1785, October 19. London.—I have just passed three days at Bowood with Lord Lansdowne, whom I found in perfect health, but not in the most satisfactory temper with the Ministers, whom he seems to charge with inattention to him, but he always accompanied every insinuation of that sort with assurances of friendly dispositions to Government and of warm attachment to you, which he says influences his conduct towards the rest of the Administration. He adds that he must have an opinion of his own, and that if he does not meet with some degree of confidence, he may, much against his will, *happen* to form it in disagreement with the measures of Government. I have hinted this to Mr. Pitt, and he appeared glad to have been apprised of the line of attention which he ought to pursue. I found Lord Lansdowne was full of apprehensions about the affairs on the Continent, from the very decided part which the King has taken in regard to the German League. There does not, however, appear to be any apprehension in the Ministers about foreign affairs.

Mr. Pitt continues to be strongly of opinion that we should on no account seek to hurry a revolution of sentiment in regard to our commercial propositions; he persuades himself that delay will weaken opposition to our plan by the return of dispassionate consideration.

I hope your expedition will prove agreeable to yourself and the Duchess. I have no doubt of the respect which will be paid to you personally. I wish you would determine whether Mr. Pery's peerage should be a viscounty. I think it would be well to recommend this step.

Mr. Pitt has spoken about the marquisates, and there seems no hesitation about allowing you to make promises to some of the candidates, but I am not yet authorized to communicate this as settled. I find that objections are made to the number, and the necessity of advancing either Lord Clanricarde or Lord Antrim is not readily acknowledged. If we could persuade the King and his Ministers to give English peerages to Lord Shannon and Lord Tyrone, you might be relieved from all difficulties.

I saw Lord Mansfield at St. James' to-day, but he was not within my reach to speak to him. He looks well. The Chancellor is returned; I am to dine with him on Saturday at Mr. Jenkinson's, and shall not fail to press him to confer the living on Mr. Haggett. *Marked* "Most private."

S. Hamilton to the Duke [of Rutland].

1785, October 20. Dublin Castle.—Nothing is stirring here, except a requisition which Napper Tandy has on foot for a county meeting to take the Intercourse Bill into consideration.

The Same to [the Same].

1785, October 20. Ashton Lodge.—Concerning an application from Lord Charlemont in favour of the Dissenters. Napper Tandy's resolu-

tions took the city of Dublin by surprize, but the whole affair seems already totally forgotten. I hear he intends to follow up his blow in the county; but he beats the air, and his being the mover of it is more likely to sink the credit of his measure than even its folly could. I am glad you have resolved upon the viscounty for Mr. Pery, and I think the address of the House of Commons will justify the distinction if others should feel hurt by it. I am happy, for the honour of my countrymen, to hear you have been received with that respect and attention which is so justly your due. Your exertions for the prosperity of Ireland will not be diminished by your having witnessed the gratitude and poverty of the people. *Marked* "Private."

S. Hamilton to the Duke [of Rutland].

1785, October 21. Dublin Castle.—On current business.

The Same to [the Same].

1785, October 22. Dublin Castle.—The Chancellor has been ill, but is well again. Sir Hercules Langrishe informs me that he has seized smuggled tobacco and spirits in the town of Derry, to the value of 3,000*l.* The King's letters for the six privy counsellors are arrived:—Lord Antrim, Lord Altamont, Lord Mountcashel, Sir J. Parnell, Sir Lucius O'Brien, and Mr. Mason.

The Duke of Rutland to the Bishop of Killala, at Phœnix Lodge.

1785, October 22. Killarney.—"If you receive this before the 20,000*l.* prize is drawn, pray buy me a couple more tickets. My winning the 2,000*l.* has given me courage to adventure a little further. We are very comfortable. The beauties of Killarney are not exaggerated, but the weather begins to turn. On Wednesday I shall be at Cork."

The Same to the Same.

1785, October 24. Killarney.—"I see the 20,000*l.* is come up, so of course my former directions about purchasing tickets fall to the ground. You say nothing of my 2,000*l.* I hope I am not deceived. Has Granby been robbed?"

S. Hamilton to the Duke [of Rutland].

1785, October 24. Dublin Castle.—On official business.

The Same to [the Same].

1785, October 25. Dublin Castle.—I did not hear until this morning of your good fortune in our lottery, or I should not have been so late in congratulating you. Reporting applications for vacant posts.

The Same to [the Same].

1785, October, 26. Dublin Castle.—On official business.

S. Hamilton to the Duke [of Rutland].

1785, October 27. Dublin Castle.—On official business.

The Duke of Rutland to the [Bishop of Killala].

1785, October 27. Cork.—I enclose a leave of absence for Lord Arran's son—the hope and prop of that family. "Everything here is as I can wish, quiet and loyall, except the Whiteboys, who are attacking and murdering your cloath."

* William Pitt to the Duke of Rutland.

1785, October 28. Brighthelmstone.—[*Correspondence, p.* 125.]

The Duke of Rutland to [Lord Sydney].

1785, October 28. Cork.—I arrived at Cork the day preceding yesterday, after having traversed a large extent of loyal but very dreary country, and receiving every mark of respect and attention from the gentlemen of the counties through which I passed. I came to this city by invitation, and my reception has been very distinguished, and marked with every feature of zeal and attachment for the representative of the Sovereign. I reside in a large house procured for me by the Corporation, and my expenses are defrayed by that body during my continuance in this city. The merchants at first demurred to addressing me, but not choosing to be singular they at length consented, and to-day I am to receive their congratulations. "But at the same time, tho' I have the satisfaction to assure your Lordship of the apparent quiet of the province of Munster and of its political content, I must cloud my narrative by informing you that the Whiteboys have appeared in a very alarming degree and with very dangerous intentions. They have destroyed cattle and committed some murders. Seventy-two persons of that desperate description have possessed themselves of the fastnesses and strongholds of Muskerry, in this county, from whence they suddenly sally forth to destroy cattle and murder the inhabitants, and to committ every sort of cruelty and devastations. The Protestant clergy and the tythe procters are the principal objects of their enmity and barbarity. In consequence of the solicitation of the principal persons of this county, I have directed a regiment of light cavalry to be sent down without delay to Mallow and its vicinity in the room of a heavy regiment, and I shall summon a Privy Council on the spot to issue an immediate proclamation. This matter is in truth very alarming, and, I fear, will be made a pretence for re-instituting the volunteer corps in all their dangerous and illegal extent; and I am almost led to believe that these outrages are encouraged by some seditious and dangerous persons in a better sphere of life, to render the country clamorous for that revival. Be that as it may, it bears a very unpleasant appearance; but I trust that the vigorous measures which must be pursued will crush compleatly these desperate and lawless combinations.

"I have likewise a further unpleasant circumstance to relate to your Lordship. A mutiny has taken place in the 2nd regiment of Horse, which hitherto had been generally esteemed among our best-disciplined corps. A threatening letter was sent to their Lieutenant-Colonel, Skeffington,

from the regiment, relating to the sentence of a court-martial and some other matters of internal discipline. The ringleaders, however, are in confinement. I cannot give any favorable account of the good discipline of the Irish cavalry in general. A lawless spirit has of late discovered itself among that part of the army of a very dangerous tendency. I trust this will appear to your Lordship, as it does most strikingly to me, to afford a very strong additional reason for establishing the rotation between the cavalry of the two countries. I must impress this on your Lordship's mind as essential to His Majesty's service." To-day I proceed to review regiments at Charlesfort and Kinsale. The infantry I have seen in my progress consist of fine bodies of well-disciplined men, but many of the regiments are very weak, some wanting ninety or a hundred of their complement. *Draft.*

S. Hamilton to the Duke [of Rutland].

1785, October 28. Dublin Castle.—Mr. Daly has asked for an order to the army to assist him in quelling outrages in Galway. Captain Brooke desires that you will visit his manufactories at Prosperous on your way home.

The Earl of Shannon to the Duke [of Rutland].

1785, October 29. Castlemartyr.—Your attention to the quiet of this country claims the warmest acknowledgment of every one who is interested in its welfare. I regret that your leisure should be interrupted by memorials on the subject of Whiteboy outrages.

S. Hamilton to the Duke [of Rutland].

1785, October 29. Dublin Castle.—As soon as I see General Cunninghame I will talk with him about quartering troops in Kerry and the west of the county of Cork. The exchange of heavy cavalry in the county of Cork for light cavalry will occasion no difficulty. The outrages there are such as I have never known the common people to venture on unless at the instigation and with the encouragement of some of their superiors. Concerning various matters of administration.

George Y. Kendall to the Duke [of Rutland].

1785, October 30. Paris.—I have been already at the Sevres manufactory about the groups for the Duchess, but met with nothing that pleased. The director has promised to shew me some others which he is preparing for the new year. Our Court remains at Fontainbleau for another fortnight. I believe there never were so few English in Paris as there are now, and therefore I have no anecdotes to send you.

S. Hamilton to the Duke [of Rutland].

1785, October 31. Dublin Castle.—The County Meeting was held this morning, and would have been composed of the same persons who have generally made up such assemblies; but unfortunately it was the day when several freeholders came to register their freeholds. The violent spirits turned the sub-sheriff out of the chair and prevailed upon Mr. Conolly to take it. He objected, resisted, declared his doubts of

the legality of the meeting, and was very unwilling, but they at last prevailed, and his name will appear at the head of a string of resolutions prepared by Binns and Tandy. Lord Luttrell was there; combated their proceedings with his usual spirit, but in vain. Mr. Conolly was taken in. The number present was fifty-nine. General Cunninghame has ordered all the officers, non-commissioned officers and privates of the light cavalry regiment at Carlow to join, notwithstanding any leave, preparatory to the departure of the regiment for the county of Cork. *Marked* "Private."

S. Hamilton to the Duke [of Rutland].

1785, November 1. Dublin Castle.—This evening I have received, by express, a long letter from the sheriff of the county of Tipperary, with a memorial and affidavits, representing the entirely lawless state of some parts of that county, and the impossibility of the magistrates executing the laws without military aid. Mr. Sheridan and General Cunninghame are giving their attention to the matter.

The Same to the Same.

1785, November 2. Dublin Castle.—On official business.

The Same to the Same.

1785, November 3. Dublin Castle.—On official business.

Viscount Torrington to the Duke of Rutland.

1785, November 4. Brussels.—Recommending Mrs. Mary Gannicliff for a share of the *concordatum* money which was to be distributed at the next meeting of the Irish Parliament.

S. Hamilton to the Duke [of Rutland].

1785, November 4. Dublin Castle.—Sir John Parnell, who is one of the trustees for distributing bounties to manufacturers who should settle out of Dublin under the Act of last session, called upon me to say that their fund was nearly out, and that upwards of 4,000 persons presented themselves as ready to go. The trustees would make an application to you to obtain for them a further sum if they thought you would approve. I have requested them to prepare a simple statement of the facts for your consideration; and feel it my duty to advise you to comply with their prayer for an advance of 2,500*l*. The faith of the public has been pledged to give these people what has been offered by the trustees, and each individual will have just foundation of complaint if he be driven to distress by disappointment. Inclosed is a card with the number of volunteers who to-day paraded before the statue of King William. Since I received it I have had reason to believe that the Dublin Volunteers—about eighty—are omitted. The Duke of Leinster, I am told, marched at their head.

Daniel Pulteney to the Duke of Rutland.

[1785,] November 4. Fludyer Street.—A banker "declared to me a day or two ago the astonishment of the commercial men here at the

immense quantity of specie now in London, to which, I well know in many instances, Pitt's ministry has essentially contributed. I am sorry to say, on the subject of bankers, that Mortlocke, whom I saw here lately, appears very much dissatisfied with Mr. Pitt, and I fear we shall lose him when Parliament meets unless the King will knight him as mayor when he visits Cambridge." I meddle little with the affairs of that place, confining myself to keeping up at King's the remembrance that you would be a candidate on a vacancy in either of the great offices of the university, nor have I ever heard or suspected that anyone will venture to be your rival. I must mention what has struck me on reading the Irish debates, for which, if the Opposition paid Mr. Woodfall 500*l.*, you ought to pay him 5,000*l.* Such a body of good sense on one side, and on the other so much flightiness, even in Grattan's fine speech, and so much ignorance, heat, and scurrility in the rest. "But my reason for adverting to this publication is that I see Mr. Beresford's assertion respecting the Duke of Portland has been doubted in Ireland. The Duke of Portland, who is certainly incapable of misstating anything by design, is only one additional proof to very many I have seen, that even very correct speakers are often at a loss to recollect what they have said, when the debate is over. I was at that time in the House of Lords, and nearer the throne than Mr. Beresford, who generally sat near the door; and the Duke of Portland certainly said, in the very words quoted by Mr. Beresford, '*I know not what ideas might have been floating in the minds of individuals, but*—I then understood him to say—it certainly was not in the contemplation of that Cabinet to form a commercial system with Ireland, much less to have granted such concessions from this country.' I remember this idea striking me very strongly at the time, because I immediately saw how impolitic such a declaration respecting Ireland must prove to his connections in Ireland; but it struck me likewise in another point of view, because if the Duke of Portland was well informed, that Cabinet must have been more attentive to their own places than to the principal difficulty in which the kingdom was then engaged; if he was not well informed—which I verily believe to be the case—Fox and some of the others were forming a system of which he, although Prime Minister, was to know nothing till it was fit for publication. At all events, the Duke of Portland I heard declare very distinctly that *he never had thought of granting such advantages or concessions to Ireland;* and I believe I ventured to reason upon this idea, in a letter I had the honour to write to your Grace from Dover, before I knew the expression had been denied. I know so little of Irish politics that perhaps this disputed expression is quite forgot. I am sure, if your Grace acted upon mere party, it is an expression that the Irish should never be suffered to forget. I cannot think it serviceable to Mr. Pitt to revive such a subject here, because in an English House of Commons your Grace sees the Duke's language is more palateable; but, if out of respect to Mr. Beresford, or on any other account, your Grace will give me instructions to do so, I will take some means of saying the above on the first debate of the address, which will mostly turn, I suppose, on Irish business."

S. Hamilton to the Duke [of Rutland].

1785, November 6. Dublin Castle.—"A letter by the last mail from a gentleman of strict veracity at Oxford mentions his being caught by a sudden exclamation from one countryman to another as he walked

through the street. 'Why, sure, Thomas, that there man cannot be a parson in them there cloaths!' The gentleman turned his head and saw no other than the Bishop of Derry in a light lilac coat and his volunteer hat, fiercely cocked, laced, and with a cockade. He is going to the Continent."

S. Hamilton to the Duke [of Rutland].

1785, November 7. Dublin Castle. — Concerning administrative business. The Speaker is exceedingly earnest for the continuance of the bounty to encourage manufacturers to quit the city of Dublin. I hope to receive your approval of an advance being made to the trustees, as I understand that not less than 7,000 persons have desired to accept of the conditions offered them.

The Same to the Same.

1785, November 8. Dublin Castle.—I am glad of your resolution to make the advance for the use of the rusticating manufacturers. "This is the moment to seize, when doing exactly what you desire, you gratify the pressing wish of the people concerned."

The Same to the Same.

1785, November 8. Dublin Castle.—The enclosed papers give an account of an affray in the county of Limerick, in which Michael Slattery was murdered. Sir Vere Hunt recommends Mr. Noblett Newenham to succeed Slattery, on the ground that, as Newenham lives in the district where the riot happened, he will be more likely to be supported than a stranger. As the office has no salary but from the King's share of the seizures which the officer makes, if you wish to oblige Sir Vere, it cannot be done at a cheaper rate.

Charles Francis Sheridan to the Duke [of Rutland].

1785, November 8. War Office, Dublin Castle.—Concerning the disposition of troops for the protection of life and property in the south of Ireland.

W. B. Ponsonby to the Duke [of Rutland].

1785, November 8. Bishop's Court.—Recommending the Rev. Mr. Sheppard for the living of Passage. *Enclosed is a letter from Thomas Sheppard to Mr. Ponsonby on the same subject.*

The Earl of Mornington to the Duke [of Rutland].

[1785,] November 9. Ballyfinn.—I have received your letter enclosing another to Mr. Pitt, for both of which I thank you. Your injunction of secresy shall be scrupulously observed.

Thomas Orde to the Duke [of Rutland].

1785, November 9. London.—I congratulate you on your satisfactory expedition to the south of Ireland. Many good effects must arise

from this progress, and I trust that the vigor and activity with which you have marked your resolution to suppress licentious and savage revolt against the laws will be attended with present success and be an effectual warning for the future. I concur with you as to the danger of allowing "any pretence for raising the volunteers into array and credit, and the rapidity with which the army may appear in aid of the civil power must be a chief means of check against their intrusion, until some more regular police shall crush disorder in the seed, or some regular establishment of militia shall supersede any pretended necessity for occasional and voluntary armaments of the people. This subject indisputably provokes the more earnest consideration of the two points, respecting the exchange by rotation of the cavalry and artillery stationed in the two kingdoms, and the carrying into effect an Act for a National Militia, attended, of course, with some proper steps for the suppression of volunteers." As regards the former point, it will be necessary to overcome the determined opposition of colonels of British regiments, and, perhaps, reluctance on the part of the King. Upon the latter subject "I have earnestly pressed Mr. Pitt to furnish us with express instructions," but "he does not choose to hazard himself alone in a business of this importance without the assembly of Cabinet." "It is absolutely necessary to be secure of the fullest support of this Government in case of attempting such a measure in Ireland; yet, after all, chief reliance must be placed, for the propriety and expediency of it, on your Grace's discretion and judgment on the spot. The difficulty which occurs against an immediate decision arises from the consideration of the effect which this step may have upon other matters of great importance and expectation. It was thought adviseable to postpone the execution of the plan till the commercial adjustment should have been completed. That is now deferred, and will not probably be resumed in the next session. May we therefore safely go to a previous measure of such strength and decision as that of a positive suppression of the volunteers?" Perhaps "the only method of resolving this difficulty will be by endeavour to satisfy ourselves about the real sentiments of the principal interests and property of the country, and so to contrive as that Government may seem to be called upon by them to vigorous measures in their support. The horrible scenes of disorder and anarchy in some parts of the kingdom furnish good ground for this." This sanction of public opinion seems to me of so much consequence, that I think we cannot venture to decide upon our policy till we have tried "the pulse not only of your Grace's principal friends, but of other country gentlemen and men of property. They are mad if recent instances will not convince them of the danger to which the Protestant interest and property would be exposed if internal disorder is to prevail or can only be kept under by volunteers, chiefly Catholic; but still more of the ruin which might at once fall upon them in case of a war, and no provision made for any defence at home against possible defection and probable encroachment, both of which they should look to in considering the nature and views of their present defenders." This is a grave chapter, which must be read over more than once before the sense and drift be entirely pronounced upon.

"A plan of education, such as may answer in a great and liberal view, is not without many embarrassments, yet they may be surely surmounted. The chief difficulty respects the Catholics, who must in some degree be considered when any extensive system shall be in agitation. I am persuaded that at this moment the secret instigators and abettors of many disorders and of much sedition are those itinerant monks who receive a miserable education in foreign countries, and bring home to

their own no other tokens of improvement but in low and mischievous intrigue and bigotry. I have often had an idea that the principal persons in that persuasion, both of the clergy and laity, might be tempted to lend their countenance and assistance to a scheme for abolishing the functions of these wretches, and for confining them to persons more immediately licensed by the titular bishops, who may be supposed to have some regard for their country, and might be made accountable to it. The line should perhaps be drawn closer, and limited to those who should have received their education in Ireland. But this is a very delicate matter, and requires great discretion and arrangement. Public schools of much utility might, however, be instituted without waiting for this delicate completion." I am surprized to hear of Lord Earlsfort's views as to the succession to the Great Seal. On many accounts he is unfit for that situation. It would be desirable to have a proper man *in petto*, and I have pressed the subject here. "Eyre seems to be the only man thought of; it is doubtful whether he would take it." *Marked* "Most private."

The Duke of Rutland to the [Bishop of Killala].

1785, November 11. Castlemartyr.—I am concerned to hear that you have been ill, but I hope by the end of the month "to find you so far recovered as to be able to give every protection and shelter *under your wings* to the young actress committed to your charge. I have been issuing proclamations to seize Whiteboys who have been murdering clergymen and destroying their better parts the tythes. I am sorry that all our fountains of wealth are drained."

S. Hamilton to the Duke [of Rutland].

1785, November 11. Dublin Castle.—On official business and private affairs.

The Same to the Same.

1785, November 12.—On official business.

James Byres to the [Bishop of Killala].

1785, November 12. Rome.—The Seven Sacraments are now all in my possession, and, as I mentioned to you in my letter of August 24, "in much better preservation than I had imagined, their apparent huskiness principally proceeding from the quantity of white of egg that was upon them, which I have washed off with a sponge and water. As far as I can perceive they have never been cleaned; three of them, I imagine—from the difficulty in taking the water—have been rubbed with nut oil by somebody that has copied them, but do not seem to have suffered by it." They only wait for his Grace's orders to be sent off. "Lord and Lady Spencer, with several English travellers, are already arrived. Many more are expected this winter."

* William Pitt to the Duke of Rutland.

1785, November 13. Holwood Hill.—[*Correspondence, p.* 132.]

HENRY DUNDAS to the DUKE [OF RUTLAND].

[1785?] November 15. Edinburgh.—Supporting a request from Mr. Vaughan Montgomery.

S. HAMILTON to the DUKE [OF RUTLAND].

1785, November 15. Dublin Castle.—On official business.

The DUKE OF RUTLAND to the BISHOP OF KILLALA.

1785, November 16. Curraghmore. — "Chamberlayne is come over with a long list of complaints relative to the treatment of Government towards me respecting my borough of Scarborough. I wish you would hear his story. You will give him a bed at the Park and keep him quiet. Hill writes me word he has been very active, and that there is much truth and foundation in his complaints. Castle Martyr is very cleaver, the landlord the most hospitable and pleasant that can be. But this place is, I sincerely believe, not to be equalled in magnificence as to grounds and extent in all England. Lord Tyrone is very attentive and full of anxiety to please. The end of next week or the beginning of the subsequent will safely land me at the Phœnix Park. Mr. Pitt writes me word that the state of the finances proves florishing almost beyond what could be expected; that they have a surplus from the existing taxes of 800,000*l.* for a sinking fund, and that it is advancing very fast to a clear million. A few years' peace will, I trust, enable Great Britain to raise her crest as high as ever, and look Europe in the face."

S. HAMILTON to the DUKE [OF RUTLAND].

1785, November 16. Dublin Castle.—On official business.

COLONEL JOHN WHYTE to the DUKE [OF RUTLAND].

1785, November 17. Cashell.—"I arrived here the night of the 15th, and the day following proposed to the High Sheriff to surround the castle of Bellenemona, suspecting the people in would make their escape on hearing of the heavy artillery being on their march. I accordingly marched with one captain, two subalterns, and fifty men two howers before day, accompanied by the High Sheriff, Mr. Barton, and Sub-Sheriff Mr. Collins, two firm, active magistrates. I arrived within musket-shot of the place a little before break of day, and was saluted with sixteen shot and loud huzzas from the garrison; but judging it prudent not to advance further untill daylight, I then examined the situation of the castle, and the ground round, and, under cover of ditches, advanced within 100 yards of the castle; when, being informed by a boy that part of the garrison had gone to Tipperary for a supply of ammunition, I determined to attempt the castle, and, to my great surprize, finding no resistance on our approach to it, I entered, and found to my great sorrow that they had effected their escape, whilst I was advancing, under cover of the ditches; the castle, the strongest I ever saw, being sixteen feet thick at bottom for twenty foot high, and there strongly arched, and entered by a door ten feet from the ground; above this it rises about thirty feet, where the wall is about eight feet thick, destroying which

does not hurt in the least degree the under vaults. I have put a garrison of the 6th into it, untill by my advice to the gentlemen of the country it can be blown up, which they are determined to do. They desire me to present their most respectful gratitude to your Grace for the very great support you have been pleased to grant them, and as I find I can be of no further service here, I wait for orders to remove."

COLONEL JOHN WHYTE to COLONEL PIGOTT, Adjutant-General.

1785, November 17. Cashel.—Reporting the capture of the castle of Bellenemona, and informing him that the light troop of the 13th Dragoons had arrived at Cashel, and were to march to Tipperary the next day.

S. HAMILTON to the DUKE [OF RUTLAND].

1785, November 17.—The Recorder of Dublin died this morning. Mr. Sheridan will apply to you to favour his cousin, Richard Sheridan. Many other candidates for the post also solicit your interest, which must be used in the most private manner. *Marked* "Private."

The SAME to the SAME.

1785, November 18. Dublin Castle.—"Lord Luttrell desires me to solicit your Grace for a *concordatum* warrant of 130*l.* for the use of Mr. Smythe, Lord Strangford's eldest son, who is in very great distress with a wife and five children, and for want of such a sum would be arrested and hindered of a preferment in the Church. Lord Luttrell puts his request on the ground that the young man must soon be a peer; that such a charity to a man of rank is not unworthy as a public matter of the consideration of Government; that if he misses the preferment he expects he must, when a peer, be thrown on the public for support, and that his preferment may save a future pension. If your Grace be disposed to order it, secret service is the only fund out of which it can, with propriety, be issued, for if it were *known* to be granted thousands of such applications would be poured upon you." *Marked* "Private."

The SAME to the SAME.

1785, November 18.—Concerning the Recordership.

The SAME to the SAME.

1785, November 19. Dublin Castle.—Mr. Annesley and Mr. Lees called on me this morning. They left Mr. Orde expecting a Cabinet on Friday (yesterday) or to-day, and to set out for Ireland on Monday. The letter to the Lords of the Treasury, which I submit to you, takes only the ostensible ground of application; and, therefore, I have ventured to add the substance of a private letter which you may think advisable to send to Mr. Pitt.

The SAME to the SAME.

1785, November 19. Dublin Castle.—On official business.

MEMORANDUM.

1785, November 20.—Setting forth the inconveniences of the ferry at Waterford, and suggesting that as the inhabitants of Waterford would subscribe 15,000*l.* towards building a bridge, Parliament should furnish the additional 15,000*l.* required for the purpose.

The EARL OF CLANRICARDE to the DUKE [OF RUTLAND].

1785, November 20. Belmont, near Warnford, Hampshire.—Referring to wishes and *pretensions* previously communicated.

GEORGE ROSE to [THOMAS ORDE].

1785, November 20. Great George Street.—Relating to the distribution of Government patronage at Scarborough.

S. HAMILTON to the DUKE [OF RUTLAND].

1785, November 21. Dublin Castle.—Concerning the various candidates for the Recordership. *Marked* "Private."

MATTHEW KEOUGH to [WILLIAM BRABAZON PONSONBY].

1785, November 21. Kilkenny.—Soliciting his intercession with the Lord Lieutenant on behalf of his nephew, John Keough, a private in the 2nd regiment of Horse, who is awaiting the sentence of a court-martial on a charge of mutiny.

W. B. PONSONBY to [CHARLES FRANCIS SHERIDAN]

1785, November 22. Bishop's Court.—Forwarding the foregoing letter of Mr. Keough, and interceding earnestly for the writer's nephew.

S. HAMILTON to the DUKE [OF RUTLAND].

1785, November 22. Dublin Castle.—On official business.

The SAME to the SAME.

1785, November 22. Ashton Lodge.—On official business.

The SAME to the SAME.

1785, November 23. Dublin Castle.—Counsellor George is strongly recommended by Lord Earlsfort for the Recordership, and he is spoken of by the Attorney-General as a sensible, steady man, who has never meddled in politics. There is something awkward in the management of a business where the open interference of Goverment would defeat it in the Commons. The only object of Government is to have the choice fall on a man of knowledge and moderation who may lead the city to a legal line of conduct. The election is to-morrow.

Charles Francis Sheridan to the Duke of Rutland.

1785, November 23. War Office.—I have just received the enclosed letter from Lord Shannon, and memorial from the town of Charleville praying for the return of the two troops lately quartered there; and a letter from the high sheriff of Tipperary stating that the town and neighbourhood of Fethard are in the most alarming state of disturbance, and praying that, for the preservation of the peace, and of the lives of the inhabitants, your Grace would be pleased to order one or two troops of dragoons to be quartered in the town of Fethard with all possible expedition.

S. Hamilton to the Duke [of Rutland].

1785, November 24. Dublin Castle.—Counsellor Wilson was first returned by the aldermen to the Common Council for the office of Recorder, but rejected. Counsellor Denis George was the second, and is elected. I believe it to be a very happy choice for the honour and advantage of the city, and for the ease of your administration.

The Same to the Same.

1785, November 25. Dublin Castle.—On official business.

Thomas Orde to the Duke [of Rutland].

1785, November 25. London.—"I have passed several of the last days in conversation with the King's Ministers upon the subject of Irish affairs, and I hope to-morrow to receive their final sentiments and instructions, which, however, I have already collected upon almost every point. I shall, of course, abstain from troubling your Grace at this moment with any detail, as I hope so soon to have the honor of laying the whole before you, and of accompanying them with remarks and explanations. I venture to believe that your Grace will in general be well satisfied with the decision of Cabinet. With respect to the great question of the volunteers, they seem to think that your Grace can better judge than they of the temper and probable support, not only of Parliament, but of the respectable gentry in such a case, and seem only anxious that a very strong assurance of success should precede any attempt to do more than check their excesses. The great alarm is, lest any resistance should be made which might not be instantly crushed, as the state of foreign politics would not warrant any possible risk of the interference of France, or other foreign power, which might involve us in a new war. A militia, indeed, could never be a very desireable measure, except [as] a substitution for an irregular and lawless force. So far, Lord Shannon's opinions seem to meet with concurrence here. The disturbances in some parts of the country, which shew the necessity of strong military force, may at the same time have the effect of opening the eyes of the Protestants to their own interests, which are deeply concerned in the establishment of perfect order, due subordination, and the power of the sword in the Crown alone. I am afraid that party motives, or even more personal considerations of the moment, will influence many to foment a mischief, in the consequences of which they may be great sufferers. But this is not a danger of such magnitude as are other probable sources of these disorders, which must probably be attributed to Catholic intrigue and foreign stimulatives.

"I really am at a loss in regard to rewards and punishments, but more particularly the latter. There is much weight in what Lord Shannon observes, and if others of your Grace's particular friends would, like him, give the same advice, there would be no difficulty in the decision. But you remember that complaint has been made by them of too much forbearance towards delinquents, by which they have been exposed singly to unpopularity and abuse. Then, again, among our friends there are just claimants, who cannot be provided for if some opening is not made. New lights, however, may appear upon explicit conversation with the parties, which must now be had forthwith.

"I intended to have written to your Grace upon many other points, but Mr. Pitt has so strongly pressed me to go with him into the country with a view to have more conversation this evening, that I cannot decline it, and I am therefore obliged to put an instant conclusion to my letter." *Marked* "Most private."

S. Hamilton to the Duke [of Rutland].

1785, November 26. Dublin Castle. — "The sequel of Captain Gaff's villainy is said to be more shocking than what preceded it. Slattery being shot with a blunderbuss, stab'd, his skull fractured, and thrown into a ditch, to all appearance lifeless, was by some humane passenger carried to Askeaton, and the next day, for safety, to Rathkeale, about four miles distant. But the infernal gang having heard where he was, broke into the house at night, and going up to his room in the dark, struck their swords through his bed repeatedly, but finding that by some accident they missed him, one of them brought a turf coal from the hearth, and blew it near the bed to make light enough to distinguish where he lay, and another firing at him with a blunderbuss, shot him through the body and ran off. He is nevertheless alive and likely to recover, and their blowing the turf so near him, has enabled him to swear positively to them. One is said to be Capt. Gaff and the other a son of Mr. Nash, in whose house the smuggled goods were lodged. I have not yet seen the examinations, but Mr. Beresford will send copies from the Revenue Board."

The Duke of Rutland to [the] Lord [Bishop of Killala].

1785, November 26. Gowran.—"I shall be with you at dinner to-morrow, when I shall hope to find you with a good stomach, and competent to a bottle of burgundy. Kilkenny refuses me any compliments, and I receive none but from *your great* commercial towns. Your inland ones I hold in great contempt."

The Earl of Tyrone to [John] Beresford.

1785, November 26. Curraghmore.—Asking him to lay his pretensions to a vice-treasurership before the Duke, to whom he was for many reasons reluctant to make a personal application.

The Same to the Same.

1785, November 27.—On the same subject.

The Earl of Shannon to the Duke [of Rutland].

1785, November 27. Castlemartyr.—"I took immediate occasion to make publick your Grace's anxious good wishes for the preservation of the publick peace, and to explain particularly to the clergy, who have been the mouthpieces of grievance, that your desire to inflict speedy punishment on the delinquents does not fall short of your exertions to discover the offenders, manifested by your extraordinary Privy Council and sudden proclamation. Nothing very essential has yet come out, further than what may affect the lives of the wretches who are in confinement; their abettors will probably owe their safety to the caution of their villainy. I have the pleasure to inform your Grace that though every art and effort have been practised with some ingenuity to revive the volunteers, there seems to be a total stagnation to their spirit."

George Rose to the Duke [of Rutland].

1785, November 30.—Concerning Government appointments at Scarborough.

The Earl of Hillsborough to the Duke [of Rutland].

1785, December 5. Hatfield House.—You know better than I can pretend to do the proper time for the meeting of Parliament. If the *great business* is not to come on, we have very little to do; if it is, the more expeditious we are about it the better.

The Duke of Rutland to W. Pitt.

1785, December 6. Phœnix Park.—"Mr. Orde arrived yesterday, but as yet I have had no time to converse with him at large. Everything remains perfectly tranquill, and there can be no doubt of our competency to act on the defensive, and without a mathematical certainty of success nothing out of the common course shall be attempted. But should the torrent appear formidable, and the wild ideas of protecting duties and such like extravagant notions be threatened in earnest, would it be impolitic for some independent member to arise in the British House of Commons and suggest in such an event the policy of opening the English market to foreign linnens, withdrawing the bounties on the Irish, *et cetera?* Or suppose, without Government appearing in it, addresses to Parliament were procured from some of the great manufacturing towns—Leeds, Manchester, and others—praying the same object in case Ireland should adopt such a line of conduct? It would spread an universal alarm over the north, and would keep the whole mass of northern members and property quiet. This is merely a loose hint for your consideration. It is very delicate and in some degree dangerous. You will turn it in your mind whether such a measure should *precede* the attempt, or only be consequential of its success, which I trust is hardly possible.

"Orde has just had time to inform me that you were congenial to all my objects and wishes, for which I sincerely thank you. I never could doubt you on any point which could result from personal friendship, and I never would impose on you any request which could militate against your interest, or which, in my opinion, did not tend to promote it." *Marked* "Most private." *Press copy.*

The Duke of Rutland to [Lord Sydney].

1785, December 6. Phœnix Park.—"I returned to this place on the 27th ult., after having passed six or seven very agreable weeks, and having seen a country to all appearance perfectly satisfied and quiet, except where the outrages of the Whiteboys have entrenched upon the public tranquility. The sudden steps taken by Government have indeed been attended with very excellent effects, eight of that description of ruffians having been seized and lodged in the gaol of Corke. But I fear the evil strikes deeper, and could its bottom be explored, the operations of men in a higher sphere of life than those who appear on the surface as the instruments of the delinquents, would be discovered. I could without much force to my mind carry my ideas to the manœuvres of foreign powers, who have frequently the means, and constantly the inclination, of fomenting discontents and abetting commotions amongst His Majesty's subjects. French money has certainly by some means been in circulation, and perhaps French interference might have had some influence on the fate of the Propositions. The meetings which have been summoned for the purpose of taking the *sense* of the country on the final adjustment have been for the most part very thinly attended, and entirely composed of those who on all occasions have distinguished themselves as inimical to all government. No opposition has been given on our part, because the effect of these assemblies has been very inconsiderable, and because the influence and the opinions which have already been declared cannot weigh a feather with the real solid body and mass of the people, who must ultimately judge and determine upon the great question of commercial arrangement. The meeting of the freeholders of Dublin, for instance, consisted of about sixty persons out of two hundred; Mr. Conolly, very inconsistent with his station and character, president of this assembly; General Luttrel alone was present to oppose their resolutions. This is termed the *sense* of that county. The office of Recorder of this city, lately become vacant, which at certain times is important to Government, has been decently filled by an unmeddling man, who has hitherto confined himself to his professional engagements. I forgot to mention that an unpleasant affair took place at a village in the county of Limerick, and on the banks of the Shannon, between some smugglers and a small detachment from the 21st, in which the sergeant and eight men were wounded and the party obliged to retreat. The revenue officer who was conducting the troops to the place where the smuggled goods were deposited was wounded and mangled in a most shocking manner; there are subsequent circumstances of barbarity, too tedious to relate, which indicate a savageness hardly to be paralleled in history. The ruffians have escaped for the present, but I hope not entirely. It is one of the blessed effects of volunteering, that the whole country, Papist and Protestant indiscriminately, are possessed of arms, which they employ to the most criminal and illegal purposes. The minds of the better parts of the nation are awake to the danger following from this cause, and will, I trust, second the exertions of Government to defeat and remove an evil of such magnitude. I must not omit informing your Lordship that every great town through which I passed paid every respect to the station which I have the honour to hold. Kilkenny alone refused a compliment. But I understand the people there were willing to imitate the example previously given them, had not the influence of Mr. Butler interposed to prevent any mark of attention being paid to me. I therefore did not visit that town. The dearth of events renders my correspondence with your Lordship less frequent, but you may be assured I

will never neglect giving your Lordship every important information, and your time is otherwise too materially engaged for you to be troubled on each trivial occasion."

Postscript.—"His Majesty was graciously pleased to promise the portraits of himself and the Queen for the Castle of Dublin. The apartments are now fitting up. May I request you to repeat my application with my humblest duty. Mr. Orde arrived yesterday." *Marked* "Private." *Press copy.*

The Duke of Rutland to his uncle, Lord [George Manners Sutton].

1785, December 6. Phœnix Park.—I hear from Mr. Orde that your portrait has been drawn by Sir Joshua Reynolds. May I request your permission to direct Sir Joshua to make a copy of it for me. I need not say with what affection I should prize it, and how valuable I should consider an exact resemblance of a man whose friendship has been the perpetual pride and happiness of my life. I have just returned from my tour in the southern part of this kingdom. It comprehends many beauties, but the poverty of the inhabitants casts a gloomy shade over the picture. Everthing is quiet except where the public tranquility has been invaded by the Whiteboys, who from time to time make their appearance, but not in the formidable degree they did heretofore. *Draft.*

The Earl of Mornington to the Duke [of Rutland].

1785, December 8. Paris.—I received your kind letter a month ago, at Geneva. Since I have been in Paris I have seen a good deal of a certain Colonel Kendall, whom I recollect to have at your table met frequently, in Ireland. From his conversation I understand that you correspond with him, and that he is also in the habit of corresponding with the Bishop of Killala and almost every man of consequence in Ireland. Now I must inform you that Mr. Hailes, our *chargé d'affaires* here, has assured me that this gentleman is notoriously a spy of the French Court. Colonel Kendall has put me to the question, ordinary and extraordinary, in order to extract some intelligence respecting the intention of Government with regard to the propositions, but I have stood the rack without uttering a sentence of information. If you write to me by the post, you will remember *Messieurs les inspecteurs des lettres.* I am sure you will not commit me with regard to Monsieur le Baron de Kendall, his title here. Let me remind you "of a younger brother of mine whom you were so kind as to take into your consideration for a commission in the army. He is here at this moment and perfectly idle. It is a matter of indifference to me what commission he gets provided he gets it soon."

George Y. Kendall to the Duke [of Rutland].

1785, December 11. Paris.—Referring to various matters which had engaged his attention as the Duke's commissioner on the Continent. I hope to be soon in possession of figures in Sevres china for the Duchess, and of your Grace's gun. The Countess of Rochechouard informs me that she wishes to sell her diamond watch and chain. They are of great value, and might suit the Duchess.

LODGE MORRIS to the DUKE [OF RUTLAND].

1785, December 11.—"The Opposition last session were at one time very strong, and it would require great nicety and judgment to lessen them; but if that has not been done, it is necessary to infuse a great portion of good will and zeal in our friends to act and attend steddily to defeat them. I am not a man to recommend turnings out, but if zealous friends are not incouraged, and that men in office are suffered with impunity to vote against administration, there is no knowing how suddenly a great crash may come. In my experience I have always found more danger from discontent than desertion. In Lord Northington's time we had men enow on paper; but if the minority knew the difficulty there was to get them to attend, they would have beat his Excellency, It was worse with Lord Buckinhamshire. The Secretary of that day was assured by his advisers that he would have a majority, and when the division came he was in a minority of 45, tho' he assured Lord Shannon that day that he should be victorious. I never saw a more zealous attendance than there was last session. If we have a right to expect the same now, there will be nothing but the minority to fear—which I take to be eighty—but I hope your Grace will allow me to request you will look into that fact. In the examination you will find many devoted to yourself, and if there should be any dissatisfied men, you will have the heartfelt satisfaction of doing them justice and telling them your own opinion, which is certainly what they have a right to expect when their claims are just and their services are honorable." There is "a report abroad that there is shortly to be a vice-treasurership vacant, and that it is to be given to this country. There are but six men in Ireland to whom such an office could with propriety be given; Lord Shannon, Lord Hillsborough, Mr. Ponsonby, the Duke of Leinster, Lord Loftus, and Lord Clifden, and if it should go lower it will breed the greatest discontent. Your Grace is perfect master of the Parliamentary weight and the family connexions of this country, and if three great interests were to unite in representing a matter to the Crown, exclusive of any clog their discontents might create in the country or Parliament, surely it would be an unhappy circumstance." "This hint does not exactly belong either to this moment or to this circumstance; but if a league was in contemplation, or if already formed, no occurrence would sooner bring it into action than such an event." I will now give you my opinion in a matter of state, "as I wish you to acquire credit as a statesman. There is a force in this country that could dictate to the King's ministers, and by taking advantage of circumstances could disgrace an administration. This was discovered to be the case in Lord Hartford's administration, and Lord Bristol was chosen to undermine it. He shrunk from the task, and Lord Townshend was appointed in his room. What was only discovered then was now proved to exist, for Lord Townshend united against him Lord Shannon, Lord Loftus, and Mr. Ponsonby, and his administration was beat and disgraced, and it would have been recalled but that Lord Loftus was got over. Those very interests are conscious that they were beat by division and know that they could effect great matters by a union, and they are highly well-disposed to each other. They would not act together upon slight occasions, but I know certain points upon which they would sacrafice every consideration to unite.

"The only way to prevent this haveing a fatal effect is for Government to keep up a communication with those who have boroughs to sell; to dó them little favours; advance them money occasionally to find purchasers on vacancies; and, at all events, to secure a considerable

number; and about this time is the only fit period within the octennial Parliament for securing such an interest without noise or disturbance.

"I beg of your Grace to consider this intelligence as a matter of a most private and secret nature. No human being ever was acquainted with any information I ever gave you, nor ever shall, save only Mr. Thoroton, who read some part of the first Parliamentary History I sent to you, and copies of some letters which he had to shew you."

The Earl of Mansfield to the Duke of Rutland.

1785, December 11. Lincoln's Inn Fields.—"I go down hill with a gentle decay, and, I thank God, without gout or stone. The load of business grows too great; since the last term I have 107 causes in Middlesex and 118 in London, and they must all be dispatched before Christmas day. The picture Sir Joshua has done of me is generally thought to be finely done. Sir Joshua himself thinks it one of the best he ever did. He took a great deal of pains, and had been trying a great many years to get me to sit for him. You gratify my pride beyond measure in doing it the honour to place a copy of it among your friends. I shall direct Sir Joshua not to let it go till he receives and has executed your order. It is going to Bartolozzi to be engraved. If you had not too much ceremony I should think your tour must have been agreable; I am sure it was wise. I beg my best and most respectful compliments to the Duchess. Elizabeth desires me to make many acknowledgments to your Grace. She is just going to be married, by her own choice and to the satisfaction of her family. I give her 10,000*l.* and her father 7,000*l.*, and you would hardly believe that by the advantagious sale of Hatton Garden, by luck and very good management in other respects, he has discharged the incumbrances, and has a very ample clear estate of between 6,000*l.* and 7,000*l.* a year. I mention it because he is your relation, and you interest yourself about him."

Sir Joshua Reynolds to the Duke [of Rutland].

1785, December 14. London.—"Mr. De Gree, the bearer of this, was very desirous of the honour of being introduced to your Grace; I therefore delayed my letter in order to give him this opportunity. Besides being a very ingenious artist in a variety of ways, he is a very excellent connoiseur, and was the means of my procuring some very excellent pictures at Antwerp. He was the agent about the pictures of Rubens and Vandyck, consequently he will be able to give your Grace all his information about them.

"I am very glad the picture of the children meets with your Grace's approbation; I am sorry to say the companion is not yet finished, but I will endeavour to exert myself and set furiously about it.

"The portrait of Morilio which I have seen is very finely painted, and there is not the least doubt about its being an original of his hand; it will be a very considerable acquisition to your Grace's collection. The Poussins, I suppose, I am not to expect for some time; when they arrive I shall certainly take all possible care of them."

The Duke of Rutland to W. Pitt.

1785, December 18. Phœnix Park.—[*Correspondence, p.* 132.] *Press copy.*

The Duke of Rutland to Lord [Sydney].

1785, December 18. Phœnix Park.—"Few people are as yet arrived in Dublin, but those whom I have seen are perfectly sanguine of our strength in Parliament, and have made the most unequivocal declarations of a steady and determined support. It will be our province to act on the defensive, as I suppose the disappointed ambition of a frustrated faction will be notable in devising measures by which, if possible, they may perplex and distress the King's Government." "An idea has often occurred to me, which I should think might be attended with very beneficial effects to His Majesty's army. I have frequently suggested it to the Commander-in-Chief and other intelligent officers, and the scheme appears very practicable, without endangering the strength of the necessary defences of this kingdom. I have thought that in the beginning of the summer, when the troops are appointed to move to their different quarters, a body of six or seven thousand men—infantry, cavalry, and artillery included—might be collected to act together on some general systematick plan. It may be ridiculous to mention it, but, to compare great things with small, something similar to the reviews on the Continent, a general system of discipline being first adopted, and the troops trained to that system. A week might be allotted in each year to the exercise of such a project without any risk, regard being previously had to the tranquil state of the kingdom. The expense, likewise, would be very moderate. No other part of His Majesty's dominions is competent to the adoption of such a scheme, and there is a very central and well-situated place—the Curragh of Kildare—conveniently calculated for military operations. I have, as I before observed, mentioned it in a passing way to different officers. But I would not seriously think of it as a measure without previously obtaining His Majesty's approbation. If the King should not disapprove it, such a plan might be prepared and have effect by the summer after next. While I am on a military subject, I cannot omit expressing my satisfaction of the merits of Colonel Vallancy, who is at present with His Majesty, respecting his survey of Ireland. No encomiums of mine can add to his panegyrick for his laborious zeal and sedulous attention; but it would be injustice in me to be silent in his applause." *Marked* "Private." *Press copy.*

D. Pulteney to the Duke [of Rutland].

1785, December 18. Kelham.—I am here with Sutton, who has feasted the Newark aldermen, and treated them with coursing and shooting, so that I suppose, were an election to come on shortly, he, without the assistance of any of his brothers, would be a match in that borough for the Duke of Newcastle himself. I flatter myself that you will acquaint me before Parliament meets with what I have to expect from Mr. Pitt.

C. J. Greville to the Duke [of Rutland].

1785, December 24. King's Mews.—You communicated to me the prospect of success of a measure in which my opinion did not coincide with yours. I have the misfortune of differing from most people. "I consider the former equalization in the article of iron as a specimen of the consequence of future regulations; and that endless complaints and dissatisfaction would arise between two countries which must sooner or

later be one kingdom, as much united as Great Britain; and as the temper of the times does not admit of that union, I wish things to remain as they are till both countries can see the necessity of an Union."

"I know so much the ardor and liberality with which you pursue all your objects that I believe the purse is not more weighty than it used to be, and that your extravagance takes a more royal range than virtu requires. The reason, however, I write at this time is to inform you that I saw this day a picture which Mr. Hamilton, of Rome, purchased at Milan in his return to England. It is a public picture, painted by Leonardo da Vinci for the church of St. Francis at Milan, and removed from thence, when that convent was suppressed, to the Foundling Hospital, which was allowed to sell it to make up a deficiency in the fund of that charity. It is painted on a board about 6 feet 8 inches by 3 feet 6 inches, contains a Virgin and Child, and a St. John and an angel. The figures are all beautiful, and it is the finest picture I have seen of the master out of Italy, and contains remarkably the expression and sentiment for which that master is celebrated. The picture has never been in a cleaner's hand, and Mr. Hamilton alone has cleaned and repaired it. When you consider the antiquity of the painting, I think its preservation remarkable, and no material part of the picture had suffered. It is in good harmony, and he will not part with it under 800 guineas. It was sold for 1,000 sequins, in its uncleaned state, and, as the chance has been in favor of the purchaser, I do not think he overpays himself; but certainly it is a picture which might be put at the head of any collection, and in case you had been in cash, I name it to you. I also know that a very great stroke might now be made, but it is beyond one collector's purse; but 7,000*l.* or 8,000*l.* might bring to this country a collection which now is the first ornament of a capital in Italy. I cannot say more of it as I am in the secret, but I know one person has offered 2,000*l.* for one picture in that collection if purchased. As I have known your intention to purchase, from the liberal offers you made for pictures at Rome, which I know would disappoint you, I could not let the opportunity pass without giving you notice of this collection, which I know will please; and I have desired that no positive engagement should be made, or promise of refusals made, till I hear from you. I therefore beg you will tell me whether virtu is at present admissable with politicks."

Robert Hobart to the Duke of [Rutland].

[1785,] December 24. St. James's Square.—"I am happy your Grace received no hurt in the battle of Aglars; it could not possibly happen anywhere, except in Ireland, that a number of people should assemble to do honor to a great personage and so entirely mistake their object as to insult him. However, as you escaped unhurt, it is a matter of no consequence. I am exceedingly well pleased to find by your Grace's letter that you expect a quiet and short session, because I conceive it implies that the commercial ajustment will not be revived. I am convinced it cannot be long before the Irish call for it. But an attempt to cram it down their throats would only involve you in fresh difficulties. I wish your Grace joy of Mr. Eden's conversion. He is a great acquisition, and the fittest man in England for the appointment he has accepted; his example will, I make no doubt, be followed by as many of the Opposition as Mr. Pitt chooses to purchase; at all events, it is a pretty good specimen to the world of what a set of rascals the

Opposition is composed. I had the honour of seeing Mr. Pitt this morning, not to ask for anything, but to declare my unalterable attachment to you and him.

"Notwithstanding the *advantages* of my new connection with the Norths, I dined at Bushy the other day. However extraordinary it may appear, they seem to have totally changed their opinion of Eden." I have heard from Lord Mornington, who is at Paris, and returns to the meeting of Parliament. "The lie of the day is that the Prince of Wales is to marry Mrs. Fitzherbert, but, I believe, totally without foundation." I send you Mr. Cumberland's pamphlet, designed, I suppose, to rescue Lord Sackville's character from oblivion. It appears to me calculated to provoke a discussion, which the friends of the late lord will repent of.

The Marquess of Lothian to the Duke [of Rutland].

1785, December 28. Duncroft, near Staines.—I am obliged to you for thinking about my application relative to Ancrum; but only yesterday I received a message from the King offering him a lieutenancy of foot, which I was obliged to purchase. I am removed from Waverley to a small house here. I have just received a melancholy letter from Lord Cornwallis. I cannot conceive anything more distressing to so good a man than an elopement of the kind, as she is a mere child; nor do I think they have taken proper steps since to bring about a reconciliation.

Robert Hobart to the Duke [of Rutland].

1785, December 28. London.—I have delivered your despatches to Lord Sydney. I was in the House of Commons on Wednesday, when Sheridan attacked Pitt on the commercial system. The speech is accurately reported in the *Morning Chronicle.* It did not provoke a reply from Pitt, nor had it much effect on the House. Mornington is prepared to speak the first time the Irish business is fairly before the House, which will doubtless be soon. "Pitt's reply to Fox on Wednesday respecting continental affairs was wonderfully able, and showed a superiority I could scarcely have believed. Eden's entry into the House on Tuesday was, I am told, one of the most tragi-comical performances that ever was exhibited, and too evidently proved that no zeal for the *public service,* however judiciously exerted, can in any degree compensate for the loss of private friends and old connections. Ireland, continental affairs, and the East Indies are the great objects of attack for this session; but, from what I hear, Opposition are at a low ebb indeed, which, by the by, I am sorry for, as I am going to dine with Lord North and fear the meal will be but scanty. Everybody here is surprized at the tranquillity of Ireland, but that surprize chiefly arises from their little knowledge of the Irish nation. Whenever they got more than they asked they become proportionately dissatisfied; now they have got no one thing of what they did ask, it is natural they shou'd be perfectly content. The town still talk of the Prince of Wales' marriage; he has taken a box for Mrs. Fitzherbert at the opera, and constantly passes the greater part of the night with her. I do not hear of Prince Carnaby's being yet arrived in town. Watt Smith appears already much elated with the honor that is intended, or rather the dishonor which has already attended his family. His Royal Highnesses' new establishment is not yet named, but no doubt the Marchioness of Buckingham will be

first Lady of the Bedchamber and her aunt, Peg Nugent, necessary woman. If pride, arrogance, and self-sufficiency be qualities for a Popish Minister, the noble Marquis himself, by embracing that religion which he appear'd to encourage in his wife, may be at the head of the Papistical Court." "Colonel Manners tells me that your Grace's hounds have had great sport."

CAPTAIN A. P. MOLLOY to the DUKE [OF RUTLAND].

1785, December 30. Plymouth.—Returning thanks for exertions with Mr. Pitt on his behalf; and requesting his Grace to ask Mr. Dundas to confer on him the vacant office of Paymaster of the Navy.

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SIR JOSHUA REYNOLDS to the DUKE [OF RUTLAND].

1786, January 4. London.—"I have begun the copy of Lord Mansfield for your Grace. He called on me and spoke himself about it. It is thought one of my best portraits, but he should have sat eight or ten years before; his countenance is much changed since he has lost his teeth. I have made him exactly what he is now, as if I was upon my oath to give the truth, the whole truth, and nothing but the truth. I think it necessary to treat great men with this reverence, though I really think his Lordship would not have been displeased if this strict adherence to truth had been dispensed with, and drawn a few years younger. However, being told by everybody what a good picture, and how like it is, he is perfectly pleased with it, and has ordered a print by Bartolozzi to be made after it.

"The next picture I take in hand shall be Lord Granby with the Hussar, but I fear it will not be finished till the spring, as I am at present overpowered with business. However, I shall always take care not to neglect your Grace's commands."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1786, January 5. Fludyer Street.—Complaining of Mr. Pitt's neglect of applications made by the Duke in the writer's favour. "I fancy the coalition is too much scattered and out of spirits to make much head against us at the opening of Parliament, though the Emperor's edict, which I knew was intended when I was in Flanders, and which I believe was intended years ago, is now to be quoted, I suppose, as one of Mr. Pitt's crimes when Parliament meets, and as a novelty only ten days old."

LORD SYDNEY to the DUKE OF RUTLAND.

1786, January 7. Whitehall.—The King's confidential servants have instructed me to acquaint you that "they do not find themselves sufficiently authorised by any information which they have yet received from Ireland to take upon them to advise the re-introduction of the Bill for the settlement of the commercial intercourse at present, much less the

proposal of any modification of that Bill in order to facilitate its passing. They see as yet no clear evidence of the deliberate opinion of the Irish nation upon the Bill, nor are they aware that any alterations or modifications could be adopted which might make it more acceptable in Ireland without rendering it objectionable in England, and departing from the principles on which it is founded. Therefore, the last of all measures to be adopted at present seems the proposal of modification.

"The King's servants find it difficult to judge here of the probable efficacy of any steps that might be taken in Ireland to lead the nation to consider coolly and think favorably of the commercial arrangement. At the same time it seems to them to be desireable that every method that could be used, without an appearance of anxious interposition on the part of Government, should be used to undeceive those who are led into error by incendiary speeches and publications.

"They think that every exertion ought to be used to defeat any of the partial questions affecting the commerce of this country or her colonies," and that every innovation, not making part of a general system of free trade between Great Britain and Ireland, ought to be strenuously resisted.

"The questions of the Militia and Volunteers appear to His Majesty's ministers to be in some measure connected together. If the Volunteers cannot be got rid of but by the introduction of a Militia, perhaps it may be a wise measure to give the latter corps the preference. At the same time it is evident to them that even that scheme is attended with several very serious objections. Suppose a Militia established without difficulty," an argument will soon be drawn from it to diminish the army, which, considering the situation of Ireland, would be by no means a desirable measure. But it is plain that there lie difficulties in the way of establishing a Militia, besides the jealousy of the Volunteers. The Militia, it is taken for granted, must be a Protestant one. The Roman Catholics cannot but be offended at being deprived of their arms, which will be put into the hands of Protestants. And though it is not advisable to allow the Catholics power, it is extremely unadvisable to give them offence and mortification.

"The step of a direct suppression of the Volunteers seems to His Majesty's ministers a very serious and hazardous one. The means of doing it, they think, ought to be fully stated and the probability of their success. The likelihood of their decline from their expence to individuals, and the fatigue of the attendance on them, and the loss of time as well as money by absence from business, are to be considered.

"His Majesty's ministers understand that a Police Bill is much wanted in the capital of Ireland, not much more than in that of Great Britain, and they hope that, as the capital is so much smaller, that the plan will in that proportion be more easy to accomplish."

"The plans of education, they think, may be desireable, but *that* with regard to the Roman Catholics the most so, if practicable. It must be an advantage to prevent the Irish Roman Catholic clergy having a foreign education." *Signed.* *Marked* "Most secret and confidential."

Lord Sydney to the Duke of Rutland.

1786, January 7. Whitehall.—My official letter upon Irish subjects of importance, which have been under consideration since the prorogation of Parliament, goes with the messenger who will bring this. I hope that the opinion of the Cabinet will coincide with your own views, and those of your leading supporters; though I find from conversation

with Lord Hillsborough, as well as from what has passed between Mr. Pitt and the Archbishop of Cashell, that there is a desire of pushing the commercial propositions in Ireland at all events. I infer from your letter of the 18th December that your own opinion agrees with ours.

We are glad to find by your letters "that the country is quiet in Ireland, and that your Parliamentary friends are confident and resolute." There can be no doubt that the "Propositions, coolly considered by the Irish nation, present to them a prospect of much more certain and permanent advantages than are to be expected from the wild and undigested schemes held out to them by those who are the almost avowed enemies of all government whatsoever."

If any plan is judged necessary towards carrying the purport of the Resolutions into execution, it should be communicated to us as early as possible. Colonel Vallancey's demands of 1,000*l.* in lieu of probable profit from the publication of his map, and 200*l.* for every copy he may supply for Government use, are under consideration.

His Majesty entirely approves your scheme for reviews and manœuvres. He takes it for granted that the expense will be defrayed by Ireland. *Marked* "Secret and separate." *In the margin are pencil notes in Mr. Orde's handwriting.*

Sir Thomas Gascoigne to the Duke [of Rutland].

1786, January 8. Parlington.—Asking the Duke to stand godfather to his son.

The Earl of Mornington to the Duke [of Rutland].

1786, January 9. Stratford Place.—The danger to be apprehended from French spies in Ireland is not the discovery of our secrets, but that an artful man, having access to all the great people in Ireland, might become a dangerous instrument to foment disunion, and even to circulate French money. I thought it my duty to write to you on the subject, as I know that Monsieur le Baron means to revisit Ireland on the first favourable opportunity.

I infer from your letter that the session of Parliament in Ireland will be short and quiet; I shall therefore remain here for the winter, unless any occasion should arise on which you might think my presence in Ireland useful. You will understand that in such a case I am perfectly at your orders. Your letter seems to hint some intention of originating a question relative to the volunteers. I confess freely I think it imprudent to promote any such question on the part of Government; but if you and your advisers resolve to take strong measures, I am ready to attend and support you. My brother is also ready to obey your summons on any necessary occasion; and my friends who are in Ireland will, I am sure, give assiduous attendance. "I am extremely obliged to your Grace for your kind attention to my younger brother."

George Y. Kendall to the Duke [of Rutland].

1786, January 10. Paris.—I have made enquiries concerning your intended purchases at the Bailli de Breteuil's sale. I had seen the pictures several times, but I applied to our two best painters and connoisseurs, Le Brun and Robert, whom I met by appointment at the late Bailli's house. "They assured me the portrait of Pope Innocent X. was drawn by Velasques, and a capital production; Robert [said] that when

he was at Rome, he had purchased for the Bailli there the small picture by Vander Meulen, representing a charge of cavalry, which is a real original by that master. The miniatures by Petitot are remarkably fine, particularly that of a woman, supposed to be Gabriel [le] D'E[s]trées; the man, Louis the 14th. The first of these the Bailli bought at the Duchess of Mazarin's sale for upwards of 1,300 French livres. Le Brun is charged with the conduct of the sale; he can have no particular interest in it, as the produce is for the benefit of the Order of Malta; he has promised to watch the four articles for me and to do his best. I flatter myself they will all come within your Grace's limits; if so, they shall be bought. I intend watching the object myself in person; the next week will decide the matter." Your gun will be finished this week. "The Duke of Dorset has preserved but a small relick of his accident, just in the corner of his mouth. It is something very extraordinary that the reciprocal ambassadors from England and France should have both met with the same fate, a stroke of the palsy." I cannot say if the Duke will remain here long in his present capacity. I am told he takes umbrage at Mr. Eden's high appointment.

The Earl of Harrington to the Duke [of Rutland].

1786, January 10. London.—Owing to the importunity of the Duchess of Devonshire, and finding myself unequal to deny so fine a woman anything, I take the liberty of forwarding a request on behalf of Major Moore. The only circumstance that relieves the distress I feel at the impropriety of my interference in this matter is, that it gives me the opportunity of assuring you of my recollection of your kindness to me when in Ireland.

You have no doubt heard of Lord Macartney's arrival from India. He heard at Calcutta of his appointment to the supreme Government, but still persisted in his resolution of leaving that country. I am glad to find that the peaceful behaviour of Ireland, which you have brought to pass, continues unshaken by the opposition which their Bill met with last year, on this side of the water.

* William Pitt to the Duke of Rutland.

1786, January 14. Downing Street.—[*Correspondence, p.* 136.]

W. W[ellesley] Pole to the Duke [of Rutland].

1786, January 16. London.—Excusing himself from attending at the opening of Parliament in Ireland, but promising that he will if possible attend, if anything of particular moment is agitated, in the course of the session.

The Earl of Bellamont to the Duke [of Rutland].

1786, January 17. Ranelagh.—Requesting an audience, in order that he may remove misconception in regard to a subject of "transcendent delicacy," which had been discussed between Mr. Orde and himself.

The Duke of Beaufort to the Duke [of Rutland].

1786, January 18. Badminton.—Concerning the purchase of a lieutenancy in the 13th regiment of dragoons for his son Charles.

GEORGE Y. KENDALL to the DUKE [OF RUTLAND].

1786, January 20. Paris.—According to your order, "I have purchased for you the portrait of Pope Innocent X., by Diego Velasques; it was certainly done by that master, and reckoned a most beautifull picture. I attended the sale closely, and saw the instant the picture was knocked down to us at 500 livres, but a troublesome, headstrong fellow came in on that instant and pushed it something beyond a thousand livres. I equally bought the small Vander Meulen's representation of a charge of cavalry at something about two hundred and sixty livres." Concerning the prosecution of M. le Maitre for publishing a libel on the Controller-General of Finances, and his appeal to the Parliament against the proceedings of the Chatelet. I have got the gun, the best that could be made in Paris, and only wait for an opportunity of sending it to you.

The SAME to the SAME.

1786, January 22. Paris.—I was mistaken in the prices of the pictures; the crowd and squabbles were so great that my ears were deceived in the biddings, luckily on the right side, as you may see by Le Brun's note. Last night I purchased the two snuff-boxes with the miniatures by Petitot on them at the prices in the enclosed note. I thought them dear, but was assured by the connoisseurs that they were very cheap—the one for 470*l.* remarkably so. At least, the purchases are much within your limits. The Velasquez is amazingly fine, and deadened all the other pictures at the Bailli de Breteuil's, even those by Rubens. There is another picture of the same Pope, by the same author, at the Pamfili Palace at Rome, that would not be disposed of, as I am told, for an immense sum. The one at Rome is a full-length, sitting in a chair, but not better executed than this. Your gun, which cost five hundred and six livres, may appear dear, but it is remarkably well finished and a safe one, with a second double barrel to be changed at will. We have a number of "Polanders" at Paris, with several Russians. Gaming seems to be the general attraction. At Court the play is very deep.

The MARQUESS OF LOTHIAN to the DUKE [OF RUTLAND].

1786, January 23. Staines.—I most thoroughly approve of the education you mean to give your sons. There is only one part I think Granby should not be much flattered upon. I mean fencing, as I am convinced that great part of the "flippantcy of the Irish is owing to an early knowledge of that science."

D. PULTENEY to the DUKE [OF RUTLAND].

[1786,] January 23. Fludyer Street.—"The Cockpit was very fully attended by those whom a minister is most solicitous to secure. At the same time the Speech appeared to some there—and I own myself one—too vulnerable in places which it was quite needless to expose, particularly in stating so fully the tranquillity existing at this time abroad, so notoriously contrary to the truth, and a declaration rendered completely ridiculous by Lord North's having used the same expressions when France and Spain had determined on a war against us. I suppose we shall hear the Foxites—forty or fifty at most—very quarrelsome

with the expression which calls the Irish arrangement a salutary measure, and which the Speech says we can now make no further progress in. I am far from thinking Mr. Pitt was fully aware of the consequences, but I am every day more and more confirmed in my belief that the framer of the 4th Resolution meant, for the present at least, to put off the arrangement."

I hear the Opposition mean to bring in Sir G. Cooper for Richmond, "to make up for the loss of official knowledge in Eden; though I suppose, if it was worth while, Mr. Pitt might buy Sir Grey Cooper too, for an exciseman's place, before he had been elected a fortnight."

D. Pulteney to the Duke [of Rutland].

[1786,] January 25. Fludyer Street.—In the House of Lords, "Lord Hillsboro' spoke in a very open manner respecting the present state of both countries and the necessity of renewing, some way or other, a more close connection than can exist at present between them. Amongst other expressions he said that the first step France would take in a future war would be in Ireland."

"Poor Eden, who took his seat on the Treasury Bench, was very warmly attacked by Lord Surrey and Fox; and I suppose they will not give him much respite whenever any of them can fall upon him, which I have some reason to believe is intended to terrify Lord Beauchamp from following him, which I hear he would do for the place of beef-eater if he could get it."

Lord Sydney to the Duke [of Rutland].

1786, January 25. Albemarle Street.—As the debate in the House of Lords yesterday touched upon Ireland, I must give you some details of it. "Lord Fitzwilliam, with more fluency than he used to have, made a general invective upon Mr. Pitt, and every measure which he had brought forward; he concluded—after triumphing in the defeat of the commercial arrangement with Ireland—with saying that 'Ireland had reprobated it, and the speech and address abandoned it.' In answer, I denied both these assertions. This was, in the course of the rest of the debate, endeavoured to be represented in many different ways; but at last, as those in Opposition chose in general to agree that what I had said related to the speech and address—which it certainly did—I thought it most adviseable to give no further explanation, the Chancellor having gone as far as was necessary upon that head. Foreign politics, East Indies, &c. made up the principal part of a very desultory and dull debate." I should mention that Lord Hillsborough spoke strongly in favour of the propositions, declaring that they had every benefit of a union without the objections: he seemed to regret that there was no appearance of immediately resuming them.

The Earl of Hillsborough to the Duke [of Rutland].

1786, January 27. Hanover Square.—Applying for a renewed grant, for three lives, of the offices of Registrar and Clerk of the Reports in Chancery.

Henry Dundas to the Duke [of Rutland].

[1786,] January 27.—You must take this not as a ministerial letter, but as a private request. "I wish Colonel Knight, of the 45th, to go to

Scotland to vote for Mr. Ferguson, of Pitfour, to be member for Aberdeenshire. He is supported by my friend the Duke of Gordon." "Our parliamentary campaign is begun. The Sinking Fund Bill, which is the great measure of the session, will soon be brought forward. I think they will try to make some questions about India; but I feel my ground very strong, and will, I think, very soon make them sick of that topick. So that, upon the whole, I trust we shall have a short and triumphant session of Parliament." *Marked* "Private."

Lord Sydney to the Duke [of Rutland].

1786, January 28. Whitehall.—Asking him, from the King, to arrange, if possible, that the troops for the Isle of Man should be supplied from the Irish establishment. *Marked* "Secret and separate."

Daniel Pulteney to the Duke [of Rutland].

[1786,] January 28. Fludyer Street.—I suspect the Opposition mean to keep Ireland for some time out of sight, and to entangle Pitt as much as they can by drawing from him explanations respecting Hanover's accession to the German Confederacy. I am convinced the Emperor will never lose sight of his exchange [of the Austrian Netherlands] for Bavaria, "and that the Elector of Hanover's acceding to the league was the principal obstacle to the pursuing his plans last year." Under this condition of affairs it appeared to me too unreserved for Pitt to declare openly that the King of England's ministers had no interest in the transactions of the Elector, which, though strictly true, is too broad a distinction for a minister to draw, and by constructions upon it may have bad effects. The Emperor may infer from it perhaps that the ministry of England will not second the German confederates. The King may be personally offended with Mr. Pitt, and think himself exposed and deserted by him. The advocates for the supremacy of the responsibility of the ministers here for the whole Empire may be offended by Pitt's disowning any responsibility on a subject which, after all, would be sure to draw us in as principals; and I should not be surprized if some distinction should be taken by the Opposition between the King of England and of Ireland. I was surprized to hear Pitt hold such language, but he runs no risk at present within our walls, where they are always steady and united on two points, which are, to keep Pitt in and the Coalition out. I enclose a note from the East India Baring, to whom I sent some intelligence for his pamphlet, which I got in Flanders last summer. This pamphlet, written under the eye of Government, is shamefully defective, as I believe Government to be in foreign information. I congratulate you on the flattering language of the Irish Houses, which seems to promise you a quiet reign this session.

Enclosed is a note from Mr. Baring, dated Mincing Lane, 25 January, 1786, thanking Mr. Pulteney for information relating to smuggling.

The Duke of Rutland to Lord [Sydney].

1786, January 29. Dublin Castle.—The disposition to quiet which appeared at the meeting of Parliament still continues, and I have no doubt the session will pass smoothly. Many members in Opposition

have remained in the country on the speculation of tranquillity; and I hear that Mr. Flood is going to England to advance his objects in the British Parliament.

Adverting to your despatch of the 7th instant, it affords me much satisfaction to find that the sentiments of the Cabinet on all the important points of discussion entirely coincide with my own. Respecting the commercial adjustment, the reiteration of that at present seems to me inconsistent with true wisdom and sound policy. The main object of any settlement—the pacification of the country—would be thereby defeated, as time would not have been allowed for passion to cool and prejudice to subside. Lord Hillsborough's uniform principle is *perseverance* in anything once adopted, in spite of the changes which time and events may have produced. But the opinion of the Archbishop of Cashel appears to me to be different. Did you understand them to speak generally, or of their own inclination, to persist in regard to the suppression of the volunteers? I agree with you that it might now be unwise to agitate that question. I am persuaded of the wisdom of leaving this evil *for the present* to remedy itself, as I am informed by Sir Hercules Langrishe, who on revenue business had traversed a district of 300 miles in the north of Ireland, the seat of the volunteer dominion, that in the whole course of his travels he had seen none of them. Unfortunately, however, their arms are still in the hands of the rabble of the country. The Whiteboys continue to assemble in Munster, and from the county of Roscommon I hear that one Roderick O'Connor, known as the King of Connaught, has assembled *banditti* of four or five hundred armed men. I have had, as yet, no information of this on oath, and probably the report is exaggerated. I am glad the King approves of my plan of establishing reviews on a larger scale than has heretofore been practised. No part of the expense can possibly fall on England. The subjugation of Ireland would indeed be suspected if the troops on her establishment were to be brought out in review, as a new measure, at the expense of Great Britain. I am sorry there are difficulties about the rotation of the cavalry, but I hope they are not insuperable. I am so strongly impressed with the advantage of such a measure, that I hope particular and local objections will not prevail against it.

"Well digested plans of education are undoubtedly objects of the deepest consequence, and highly necessary towards the civilization of Ireland. That which adopts an extension to the Roman Catholicks, being the most liberal, is without question, if practicable, the most desirable. However, that part of the scheme is of extreme delicacy, and requires the maturest consideration." *Press copy, marked* "Secret and confidential."

The Duke of Rutland to W. Pitt.

1786, January 29. Dublin Castle.—"Our session has commenced with the most perfect good humour, which I trust will continue. The leaders of Opposition seem inclined to rest on their arms, and to wait for what time or accident may produce to give their malignity a subject to fasten upon. The great effort of the session will probably be directed to the limitation of the pension lists. But in this country it would be of very dangerous policy to yeild on such a question, at least to any extent. Yet it has occurred to me that there might be a possible modification so as to give *éclat* to Government, and with little risk to its power and influence,—fixing perhaps a limit to the gross sum, without laying any restriction to the course and nature of its distribution. This is a loose idea of my own flung out for your consideration. Perhaps

it might not take here. But you will let me know what occurs to you upon it. The King's speech—which Orde has received from a private friend, and which came to me by the last packet from Lord Sydney's Office—is in my opinion rather awkwardly worded as far as it relates to Ireland, and will probably cause a good deal of conversation. We have always studiously avoided mentioning the twenty propositions; our language has been to treat them as waste paper, and to maintain the Bill alone to be only matter upon which Ireland could proceed. Now from the throne the King declares the twenty Resolutions of the British Parliament to be the basis on which the whole was to be grounded. You see how contradictory these languages are, and what an instrument of mischief is afforded for faction to work with. I hope, likewise, the present state of Europe will justify your declaration respecting its tranquillity." *Press copy, marked* "Private."

The Marquess of Lothian to the Duke of Rutland.

1786, January 31.—Forwarding and adopting a letter from Captain Molesworth. *Seal.*

C. J. Greville to the Duke [of Rutland].

1786, February 1. King's Mews.—Mr. Hamilton has sold his fine picture to Lord Lansdowne, and is going to Italy. I almost regret having mentioned to you the opportunities he will have of getting some capital pictures at high prices. I always wished you to be prudent, but when I have seen you determined to be otherwise, have preferred that your liberality should be directed to such things as would put you in possession of the first works of art; furniture, pictures, and such minor objects being within the reach of every one, and therefore not worth your attention.

Daniel Pulteney to the Duke [of Rutland].

[1786,] February 3. Fludyer Street.—The Opposition cannot yet muster forty, and are hardly likely to venture on a division during the whole session, unless a division can be made amongst us. A question was put to Pitt yesterday respecting the Crown lands by Rolle, to which he did not give an explicit answer, and on meeting Rolle and Bastard soon after, I asked them why they would embarass the ministry when Fox and Company had given the House such a promise of a quiet session. Their answer was that if Pitt would not perform his promise, they would take up the affair and try to force him to it. "I went yesterday to Pitt's levée, where, in that sort of hasty conversation, I mentioned leaving a letter in Downing Street the last week, to which he answered Yes, or some such thing; and after receiving the levée civilities from him and Mr. Steele, I fear that is all I shall hear from them these twelve months."

The Duke of Rutland to Lord [Sydney].

1786, February 3. Dublin Castle.—"I have permitted General O'Hara (who will deliver this to you) to return to England before the arrival of your answer to my application for that purpose. His situation induced me to grant him that permission. He goes to state his

misfortunes to His Majesty. I cannot forbear mentioning to you how much I feel for his difficulties, and how much I interest myself in their alleviation. His antient connexion with my father, his gallantry, and his services, induce me to trouble you with this letter in his favour. He is not in the smallest degree apprized of its contents." *Draft, marked* "Private."

Lord Sydney to the Duke of Rutland.

1786, February 4.—His Majesty has expressed great satisfaction at your Grace's assurances of the almost universal disposition to quiet in Ireland. "The mention which you make of the dis turbance occasioned by Roderic O'Connor seems to be the only exception to the general rule. We do not doubt but that your Grace has taken measures to ascertain the extent of this mischief, to prevent its progress, and indeed suppress its existence. I received last night an intimation that a person styling himself Count O'Gorman, and who is supposed to have married a sister of Mlle. D'Eon, is now in Ireland collecting accounts of Irish estates of which the Roman Catholic owners were dispossessed in the time of Cromwell, and at the Revolution. I was likewise told that he was to be in London in a few days. I should be much obliged to your Grace for any intelligence which can be procured concerning this gentleman, and you may depend upon my having him properly watched.

"Your Grace has omitted to mention Colonel Vallancy's business in your last letter. He tells me that he left copies of his papers with Mr. Orde, and he is extremely impatient for a decision, that he may receive his money and return to his occupation. To be sure yours is a singular country for jobs, where the office of Chief Engineer has been for a long succession of years a lucrative patent sinecure, and a subject of purchase. You might as well, as our friend the Chancellor said upon another occasion, grant a Greek professorship in fee." *Marked* "Secret and separate."

R. P. Arden to the Duke [of Rutland].

1786, February 5.—Introducing the bearer, the Earl of Cavan, and recommending Dr. Allott for preferment in the Irish Church.

The Duke of Rutland to ———.

1786, February 8. Dublin Castle.—Concerning official appointments. *Draft.*

Daniel Pulteney to the Duke [of Rutland].

1786, February 9. Fludyer Street.—Mr. Rolle shewed me a letter from Mr. Pitt, promising to bring on the business of the waste lands, so our danger on that side is over; "and as your Grace has got rid of Mr. Flood, it is hoped here the Irish Government is as much at ease as this is." "I was told a day or two ago by Johnstone of the House of Commons, who is a relation of the Governor, that they were sure of Lord Mansfield and Lord Loughborough, who are trying Sutton's cause, and that they shall set aside the verdict. How far two Scotchmen may protect another in the exercise of arbitrary power I cannot pretend to guess, but if they venture to decide against four Barons of the Exchequer and two juries, it

will be a very strong case indeed, and if the cause belonged to a Wilkes or a Horne they would have made such an outcry as would have induced one at least of the two to think twice on his judgement."

[The Duke of Rutland] to the Earl [of Hillsborough].

[1786, February.]—Regretting that he was unable to comply with the request contained in his letter of the 27th January. *Draft, by Mr. Orde.*

Daniel Pulteney to the Duke of Rutland.

[1786,] February 14. Fludyer Street.—"I was yesterday in a division of 100 only against 54, on a sort of previous question respecting the ordnance system which we put off last session, and against which we shall have a stronger opposition next Monday, I believe, than on any other question this year. I rather believe Lord Shelburne is against it, as Jervis divided against us yesterday." If you were in England perhaps you might doubt a little "on this new extravagant idea of defending the kingdom by immense expensive works, which would swallow up so much money to support them, would increase so much the influence of Government for ever, and, above all, would require an increased standing army to garrison them." If I were in a situation to venture on serving Pitt by voting against him, this is a question on which I should certainly do it, but in your absence I shall not venture on such distinctions. I know that some of our best friends may on Monday be in opposition. "Lord Mahon yesterday made a flaming speech against the Chancellor for throwing out an Election Bill of his last year, and as all his language was a mere echo to the doctrines of the Opposition, he was heard by them with greater shouts than they give their own people. He called the Chancellor an enemy to the House of Commons and to the people, and *Divide et Impera* he insinuated was the weak and only maxim with *some folks*. Whether this was a mere flourish of personal resentment, or whether he alludes to other divisions, I shall not pretend to guess; but he was heard with great attention by both sides, though a very disorderly speech."

Lodge Morris to the Duke [of Rutland].

[1786,] February 18.—Acknowledging with gratitude the receipt of a kind message from the Duke, during severe illness.

Daniel Pulteney to the Duke [of Rutland].

1786, February 18. Fludyer Street.—Nothing passed yesterday which could in the least affect the Ministry. "Burke, whose plan of accusing Hastings was as wild as was expected from him, has, in my opinion, from his opening got into a scrape, and was trying to get out of the enquiry under pretence that papers were refused him. He has, however, been refused nothing, and has already required more dispatches than the India clerks can copy in a month, and means to renew his motions on Monday, to which day the debate is adjourned; and the ordnance business—on which there will, I fear, be a strong minority—is put off till Wednesday. If you ever read our debates, you will find a great deal of abuse passing between Burke, Dundas, and Fox, but I think, from what appeared of Hastings' cause, it does not seem so bad as people expected, and, if the trial goes on, I foresee his easy acquittal."

Sir Joshua Reynolds to the Duke [of Rutland].

1786, February 20. London.—"I shall take care to obey your Grace's orders about the Velasques and Van der Meulen when they arrive. Lord Mansfield's picture is finished, I mean your Grace's copy. I am now about Lord Granby with the horse and Swiss servant, which I think will be finished in a week's time, and if the reumatism will give me leave, for I am very stiff and awkward at present, I hope in about a fortnight after to finish the children.

"I forgot whether I mentioned in my last letter that I have received a commission from the Empress of Russia to paint an historical picture for her, the size, the subject, and everything else left to me; and another on the same conditions for Prince Potemkin. The subject I have fixed on for the Empress is Hercules strangling the serpents in the cradle, as described by Pindar, of which there is a very good translation by Cowley.

"My nephew, Mr. Palmer, who is now with me, desires me to make an apology for him, as he came away whilst your Grace was on your tour in the country, and had no opportunity of asking your Grace's leave, which he was in duty bound to do."

Daniel Pulteney to the Duke [of Rutland].

[1786,] February 20. Fludyer Street.—If you have leisure to read the debates of next Wednesday, the enclosed papers will make them more intelligible, especially as you must remember the nature of the spot at Plymouth. A great deal may be said against so expensive a plan, and so new to this country; we shall have some of Pitt's best friends against us, "and perhaps (from Jervis's dissent) another masqued battery against the Duke of R[ichmond] from Berkley Square."

The Same to the Same.

[1786,] February 23. Fludyer Street.—The putting off the [ordnance] business until Monday next "was owing to the suspicious appearance of the House, in which were every one the Opposition could muster, and a considerable number of our best friends joining them." I do not doubt that we should have carried the question by numbers, but Pitt will try, I hope, to reconcile the country gentlemen and convert the Duke of Richmond before next Monday. "The persons who will join the Opposition are, I really believe, some of the most independent men in the House, the most averse to the Opposition as a party, and the most attached to Pitt, in whose support they would be unanimous upon any point they thought affected his ministry. For fear of alarming such allies, the Opposition behaved with great temper, and affected to consider the question as no party affair. But if it offends the King that the fortifications are not agreed to; if it lessens his opinion of Pitt's weight in the House, or of his sincerity with him; if it occasions a breach between Pitt and the Duke of Richmond, or if it increases the coolness between Lord Shelburne and Pitt; or, lastly, if it offends the country gentlemen to be outvoted, or lessens Pitt's popularity out of doors;—all these are points of so much consequence to Opposition, that I am thoroughly persuaded they have this business more at heart than any other during the session, unless they bring on the Elector of Hanover's treaty for the same purposes." At present, there are but two of your Grace's members, G. Sutton and myself, on whom Pitt can rely. Mr. Pochin probably

does not know his own mind; Lord Tyrconnell and Colonel Sutton have not been in the House; Mortlocke, who calls himself your member, will be against Pitt. In our scattered state, the constant attendance of Sutton and myself represents the whole of your strength in Parliament; though two such unplaced constant friends few ministers ever had before.

Earl Camden to the Duke [of Rutland].

1786, February 23. Hill Street.—Informing the Duke that Mr. Dayrell, on whose behalf he wrote, had been excused from the office of sheriff for Cambridgeshire.

The Duke of Rutland to Lord [Sydney].

1786, February 27. Dublin Castle.—Our prospects in Parliament are highly promising and satisfactory. The most important money bills have passed the Commons without material opposition. The internal tranquillity of the country is disturbed by very alarming outrages. "The Whiteboys increase in the province of Munster, and their attempts have a direction and tendency of the most dangerous nature. Under the pretence of malconduct in the tythe-proctors, they beset indiscriminately the houses of all the neighbouring Protestants, whom they deprive of their arms, and a day or two since they attacked a party of the 20th regiment, who were convoying fourteen cars laden with arms for His Majesty's stores in Dublin. They were driven off after they had wounded two men of the party, four of the Whiteboys being in the same predicament. The dangers arising from these outrages are not simply what result from riots and what affect individuals only. The Catholicks being once in possession of arms is a principle which, in its extension, your Lordship must admit would strike at the very vitals of the State, and would go to overturn the Constitution. This is a truth which must find a mirror in every man's breast, and to which every bosom must return an eccho. There are various difficulties to contend with on the part of Government. Every combination of men with arms is so entangled and concatenated with the volunteer system—and no Riot Act existing in Ireland—that it is difficult to proceed in the first instance without raising a jealousy in the minds of those men whose existence for the present it seems to be prudent not to impugn. I hope, however, the Police Bill which will soon be laid before Parliament will remedy this defect, and will enable us to proceed at once against every disturber of the publick peace." The affair relative to O'Connor was exaggerated. I sent Colonel Dundas, the Quarter-master General, to enquire into the facts. It seems O'Connor has some plea of title to the lands of which he possessed himself, which, as it appears, were not forfeited, but sold by an ancestor. On the arrival of Colonel Dundas every place was evacuated and no resistance attempted. "The Roman Catholicks of Roscommon have since presented an address to me expressive of their loyalty and attachment, and asserting that they lay no claim to forfeited lands from which they [are] excluded by the Statute of Limitations, but only seek to enjoy what they now possess quietly, under the present laws and constitution.

"Another outrage still more extraordinary has recently happened, the account of which, I believe, is pretty accurately related in a newspaper which I inclose to your Lordship. George Robert Fitzgerald, the nephew to the Earl of Bristol, and the zealot of his rebellious principles, whose conduct has long branded him for a pest to society, a

violator of the laws, and an enemy to all government, has at length committed a murder of the most atrocious nature. The evidence, I understand, is very strong, and will be brought home to him, so that it is now more than probable he will no longer escape those laws he has lived only to violate and insult. The Chevalier O'Gorman, against whom your Lordship cautions me, at different times has frequently been resident in Ireland. His conduct has been regularly watched, and his correspondence from time to time intercepted, but nothing of any criminal tendency has ever been discovered against him. The survey of Ireland, which is in the possession of the King of France, would be an object very material to be procured. I hope, by your Lordship's interposition, the original or an accurate copy may be lodged in this country. While a work so valuable is in foreign hands, it is needless to be alarmed at the exertions of any individual to the same purpose."

Since the above was written, I have received accounts that seventeen Whiteboys in the county of Cork have been taken by surprise by some of the army. The captain escaped, but many important papers were seized. The prisoners are lodged in the gaol at Cork, which at present contains about forty. I hope this will have the effect of putting a period to their outrages. *Press copy, marked* "Secret and confidential."

Daniel Pulteney to the Duke [of Rutland].

[1786,] February 28. Fludyer Street.—"The event of this day's vote has not by any means answered the expectation I had formed when I had last the honor to write to your Grace, but I am convinced 40 or 50 members were not decided in their opinion respecting the fortifications till within this week or two; but this day, after a debate till seven o'clock and a division of 169 each, the Speaker gave a casting vote against us.

"Barré made a violent attack, as was guessed, but it was not known, I fancy, he meant to proceed so far. Jervis, who sat next him, rose only once very forwardly to attempt convicting Pitt of a false statement. I conclude things are gone very far between Lord Lansdown and the Minister, but excepting the effect this division may have on the King and the Duke of Richmond or on deserters, I do not think Pitt has lost one of his independent friends upon any point in which his own Ministry could be affected. It is certainly unpleasant for a Minister to be outvoted on a point of the executive Government, but I really think many people who wish him well were silly enough to think they did him no harm at all by out-voting him this morning, such a wild, capricious, and unfixed body do we consist of.

"I thought at first—and am at present more confirmed in my opinion—that the new system was full of doubts and difficulties in whatever way it was viewed; but when espoused so warmly by so honest a minister, I really think if I had been member for Yorkshire instead of Bramber, I should have voted for it." I hope you will recollect with pleasure "how much more readily this House, capricious as it is, supported your Grace's measures respecting Ireland, or would have supported them in any shape, than it would hear of the Duke of Richmond's scheme with Steele in the Treasury, and Pitt speaking for hours in his support. The fact is—what his Grace might have discovered long ago—the House of Commons here has no opinion of his candour or of his judgement, and the Ordnance will never do well under his care with the present set of members."

Sir Thomas Gascoigne to the Duke [of Rutland].

1786, March 1. Parlington.—Thanking him for letters of sympathy on the death of his wife, and promising an early visit to Dublin Castle.

Daniel Pulteney to the Duke [of Rutland].

[1786,] March 1. Fludyer Street.—In my letter yesterday I believe I only said in general terms what the division was, "and it may not be needless to add what appeared to me the case respecting Mr. Pitt and the House." In opposition to a very general opinion, I am convinced Pitt was in earnest. "One proof, however, of the disposition of the House towards him personally was, that at six o'clock in the morning, when they were so clamorous they would not suffer Sir Robert Smyth or Wilberforce or any other to proceed for a single minute, on Pitt's rising again, though he had before spoke for two hours, the House was as silent as ever, and heard him for almost another hour with the greatest attention and respect. Sheridan, indeed, was so fearfull of losing the country gentlemen by boasting of their having joined Opposition, that he made a sort of stipulation—very indiscreetly I think—by saying, 'Let us be united upon this single point, and let us separate again to-morrow as usual to our respective quarters.' I see some stuff in the papers of Elliot's having divided against Pitt; for what purpose such nonsense is inserted I do not know, but I lost a guinea to him in the lobby respecting the event of the division, and in general I never saw Pitt's confidential friends more in earnest." I think I am able to give an impartial account of the matter, as I cannot with propriety feel or show much interest in disputes between Lord Shelburne and Mr. Pitt without having received instructions from you. After such a marked defeat, if the Duke of Richmond was to take some other place, such as Secretary of State, it would perhaps be more politic; but nobody dreams at all, from what I hear, that he will change his department.

The Same to the Same.

[1786,] March 7. Fludyer Street.—Mr. Pitt attempted yesterday, in a desultory debate, to collect what the House would wish to have done about the fortifications, "and the debate was just such a scene as might be expected when two or three hundred people are consulting upon a subject of which they have no idea." The general opinion I hear in conversation is that a moderate system of defence against a *coup de main* was very proper, but not one so extensive as proposed. Pitt has lost no friends that I can perceive by this affair, many believing the question, if carried, would not only have hurt the country but the ministry likewise; but a very marked dislike to the Duke of Richmond—for whom Pitt seems always ready to risk everything—and his method of packing the Board of Enquiry, I saw not only in debate, but heard from many individuals.

"Mr. Hastings' affair is become so complicated and voluminous that no one treats it but as a farce, and it is impossible to keep 100 members in the House whenever it is brought on; and as to the remaining business of the session, I do not foresee any sort of difficulty Mr. Pitt has to encounter in the House of Commons. I do not hear any more of Hanover and the King of Prussia's league, which I am convinced the

Opposition once intended to bring forward; and the affairs of the revenue are so very flattering that this subject will only bring additional credit to Administration."

The Marquess of Lansdown to the Duke [of Rutland].

1786, March 8. London.—"I have the honour to send you enclosed the memoir of Count Caliostro, a famous adventurer, who furnishes conversation at this time to all Paris. I have just received two of them from Paris, and as they are not to be had here, though much sought after, I send it to you, thinking that if you have not time to read it, the Duchess may, and be interested in it, as it involves the next handsomest Queen after her Grace in Europe in a matter in which she is certainly innocent.

"I am sorry to tell your Grace that some friends of mine have been obliged to vote against Government in a question relative to a system of fortification, which the Duke of Richmond's activity would fain have forced on the Government and the publick. It has given me and many others very great concern to see Mr. Pitt take it up in so warm a manner; and I felt myself more personally concerned, as however unaccountable the conduct of Administration has been to me, I should be sorry to have it supposed for a single moment that it is capable of influencing my publick conduct. This apprehension has prevented my taking notice of several matters which in any other situation I certainly should have opposed, and it is my full intention to give every support in my power, except questions should occurr again which militate against those fundamental principles which must govern the conduct of my life."

Daniel Pulteney to the Duke [of Rutland].

[1786,] March 9. Fludyer Street.—Asking for instructions as to the part he should take in regard to Bills for making canals in Leicestershire, which Lord Rawdon opposed. Lord Newhaven was "quoting to-day at the fire in the House of Commons, amongst three or four people standing round, what the Irish pension list amounted to, which I ventured by guess to say consisted greatly in mere additions, but I dare-say my authority was as good as his, though I have no means of knowing anything on the subject. He told me Flood had a very good chance of his election, the Committee being still sitting. I cannot think it, from what I heard in an early stage of the tryal; but wish it very sincerely, as he can do no sort of mischief here, and, I suppose, may be very well spared from Ireland."

The Marquess of L[othian] to the Duke [of Rutland].

1786, March 14.—I "thank you for the papers full of bloody news. Looking upon Barbary as infinitely safer to live in than most parts of Ireland, if I should come over you will be the more obliged to me."

I think "that notwithstanding the calm appearance of your Parliament, you will have great difficulty in managing that country. The Roman Catholicks had nearly overturned it even in your time."

"Pray send me a paper now and then, for people here, who have never seen an Irish paper, full of proclamations for all sorts of crimes, read them with astonishment, and cannot even then believe them to be true.

"Ministry have done wisely in their appointment of Lord Cornwallis. I hope he may be fortunate in India. He has felt adversity enough. But I doubt all his bravery, disinterestedness, and good sense will not save that country to us; and I am convinced that he will upon his arrival be thwarted in all his measures, the more honourable, the more opposition; and I think without we join the French in that country we shall be driven into the sea.

"You ask me my opinion respecting the Prince's marriage. I think it has all the appearance of its being true. I believe when he has been spoke to about it he has been violent, and I cannot find out that he has denied it peremptorily. He has said to one of the most intimate in his family, when asked upon the subject, that he might answer, if asked the question, in the negative. But surely a report of the sort, was it not true, should be publickly contradicted, and I am amazed that some member of Parliament has not mentioned it in the House. Most people believe it, and I confess I am one of the number. Though I dined alone with him, and you know the general topic of his conversation about women, he never mentioned her to me amongst others. I am very sorry for it, as it does him infinite mischief, particularly amongst the trading and lower sort of people, and if true must ruin him in every light."

The Earl of Inchiquin to the Duke [of Rutland].

1786, March 15. London.—I hear that some marquises are to be made in Ireland, and I hope that my family, from its noble antiquity, its many services to the Government, and its steady allegiance to the King, his father, and family, may be considered entitled to that mark of favour, if it be given to others.

Daniel Pulteney to the Duke [of Rutland].

[1786,] March 16. Fludyer Street.—Concerning his exertions to carry Bills for making Leicestershire canals, which were opposed by Lord Rawdon, and which, it was said, would benefit the Duke's property to the amount of 100,000*l.*

Lord Sydney to the Duke [of Rutland].

1786, March 16. Whitehall.—"We are much concerned here to be informed of the tumultuous state of parts of Ireland." "It might reasonably be hoped that the horrid scene which has passed between Mr. Fitzgerald and Mr. McDonnell and their respective adherents would alarm all ranks of people, and convince them of the necessity of using every means to introduce good order into the country. And, indeed, national pride alone, without any other motive, ought to have that effect, when the want of police in the country has produced transactions which disgrace the national character of Ireland in the eyes of all Europe.

"The behaviour of that spirited and judicious magistrate, Mr. Ellison, has attracted everybody's notice here. He is represented in England as a curate of 50*l.* a year, and we think he deserves the attention and patronage of Government."

Lord Cornwallis's appointment cannot be a matter of indifference to you. "He accepted the offer with all that readiness and disinterestedness which characterise our friend. All parties agree in applauding the choice; at least, those who wish it had not taken place are wise

enough to be silent. He takes out only two or three of his own confidential friends with him. Colonel Ross is one." I do not doubt that you were suprised "at the event of the question of the fortifications. The truth is that the affair took a sudden turn among the country gentlemen, led, or rather *mis*-led, by certain naval men. Personal dislike actuated some. I believe many are ashamed of their votes, but if we were to lose it, it was fortunate that we lost it in an early stage. Mr. Pitt's friends here have been the more active and attentive from this defeat, and it has had in that respect good consequences. We have gone on very well ever since. In the House of Lords we have a most perfect calm. I can foresee a few debates upon Dundas's Bill for amending the East India Bill, and perhaps upon the alteration of the shop tax; the chief part in which will be borne by those modest and honest men whose counsels have brought the country into all its difficultys." *Marked* "Secret and separate."

Sir Joshua Reynolds to the Duke [of Rutland].

1786, March 21. London.—"Your Grace has made us all very happy by the dignitary which you have been pleased to conferr on my nephew; and, indeed, the manner in which your Grace has been pleased to communicate this intelligence so much enhances the obligation, that I don't know whether the kind expressions with which it is accompanied has not given me as much pleasure as the thing itself. I have not yet heard from Mr. Palmer, but I take it for granted he is the happiest of men.

"The only news of virtu at present is Lord Ashburnham's purchace of the collection of the late Humphry Morris, for which he gave four thousand pounds. Out of forty pictures he has reserved, I think, six only, the principal of which are two Salvator Rosa's, a landskip of Nicholas Poussin, and a Mola; the remaining part were sold by auction, which amounted only to four hundred pounds. He has made, in my opinion, a very bad bargain."

Daniel Pulteney to the Duke [of Rutland].

1786, March 23. Fludyer Street.—Concerning his refusal to vote for a new East India Bill, brought in to enable Lord Cornwallis, as Governor-General, to supersede in the field the Commander-in-Chief in India, General Sloper, a friend of the Duke.

*W. Pitt to the Duke of Rutland.

[1786,] March 24. Downing Street.—[*Correspondence, p.* 138.]

Daniel Pulteney to the Duke [of Rutland].

1786, March 30. Fludyer Street.—"Pitt yesterday opened his plan . . . but the contest between the Reporters and Sheridan was put off till the Bill itself was in the House. Sheridan intends proving that there is not, at present, one shilling surplus, and the Report states the surplus 900,000*l.* As far as I can judge, the truth lies between them."

"Going by Nollekens' the other day, I called to see the monument for Westminster Abbey, which will be a very fine one. The medallion of Lord Robert Manners is, I think, very like, but at fifteen feet height

I don't think it will be sufficiently large to catch the eye as it should do, Neptune, &c., taking up too much of the work." Nollekens seemed to think it would not be finished these two years.

Daniel Pulteney to the Duke [of Rutland].

1786, April 5. Fludyer Street.—Concerning the Leicestershire Canals' Bills, and matters of personal interest.

The Same to the Same.

1786, April 10. Fludyer Street.—Mr. Fox has hinted in the House of Commons that if the King would do nothing for the Prince of Wales it might be necessary for the Prince's friends, however reluctant, to apply to Parliament. Hill seemed to think that in such a case you would support the Prince of Wales. I hope it is not likely to happen, "though as His Royal Highness has now taken *du Thé*, in addition to his wife, with building, racing, &c., his wants, I suppose, are very pressing."

Pitt's strength in the House is greater than ever; "not that many on our side are not very discontented, amongst whom are Lord Shelburne's friends, but because the Opposition is so broken with the Conways, &c., at market; and above all because the revenue is so productive, and no complaints from Ireland or India."

John Fitzgibbon [Attorney-General] to the Duke [of Rutland].

[1786, April 11,] Tuesday. Castlebar.—Everything is ready to bring Mr. Fitzgerald to trial. "The evidence against him is so full, that if we have an unprejudiced jury I do not think it is possible that he can escape. Scotch Andrew has made a very full confession of his iniquities. But although I have been much pressed to allow him to give evidence against Fitzgerald, I shall not do so unless I see the absolute necessity.

"Andrew proves that the different attempts which had been made upon McDonnell's life were all planned and conducted by Fitzgerald; that when he had got McDonnell and the other two men prisoners in his house, his first intention was to have shot them in the room where they were confined; that afterwards he had intended to suffer them to escape in the night, and to shoot them the moment they got beyond the hall door; but that, upon consultation with Brecknock, it was determined to station one of his men behind his park wall, who was to fire a shot as the party passed him, in order to give some appearance of a rescue, upon which the guard were to kill their prisoners. And in order to reconcile Andrew to this service, Brecknock and Fitzgerald produced a book from which they read what they said was an Act of Parliament authorizing the killing of any prisoner accused of felony in case a rescue was attempted. Andrew says that after Gallagher was brought back to Fitzgerald's house, he desired that two or three of his ruffians should take him as if to a magistrate and dispatch him on the way. He says, too, that Fitzgerald was determined to assassinate Cuffe and Ellison in the course of the summer. At present Fitzgerald seems determined to stand his trial; but whether he will or not, in my opinion, depends merely on his being able to suborn witnesses to make something like a defence for him."

"Martin came here yesterday in quest of Lord Altamont, whom he means to beat wherever he can find him. The noble peer, however, does not mean to give him the opportunity for the present, as he chooses rather to attend his duty in Parliament than to visit his Connaught friends. The gentlemen of the sword suspect that he has had intimation of brother Martin's business with him."

JOHN FITZTGIBBON [Attorney-General] to the DUKE [OF RUTLAND].

[1786, April 12,] Wednesday evening. Castlebar.—"Mr. Fitzgerald was brought into Court this morning in his bed. He acted the sick man most inimitably, and swore so hard that it was impossible to press on his trial."

The DUKE OF BEAUFORT to the DUKE [OF RUTLAND].

1786, April 13. Blandford Park.—Expressing his sorrow for the accident which has befallen the Duchess of Rutland.

GEORGE Y. KENDALL to the DUKE [OF RUTLAND].

1786, April 13. Paris.—The objects you wished to have from the china manufactory at Sèvres have been sent off to Dublin. "The three trees are certainly the most curious piece of workmanship that was ever executed at the manufactory, and a quite new model." The two pictures bought at the Bailli de Breteuil's sale, and your double-barrel gun, are in the same case with the china. I have sent the Duchess a chocolate cup by Lord Chesterfield, who went hence on the 3rd of March.

"The Cardinal de Rouen's (Rohan's) business engrosses much the attention of the publick. He seems to be disculpated as to sharping about the necklace, but his private conduct, with the species of society he lived with, have been too much exposed for his being reinstated at Court; therefore, in all appearance, the Cardinal will be exiled to one of his benefices, but not before the Parliament pronounces judgment, which 'tis thought will be about Whitsuntide. If Mr. de la Mothe should be apprehended between this and that time, the whole proceedings must be begun over again; consequently the Cardinal's confinement may be lengthened."

THOMAS THOROTON to the DUKE [OF RUTLAND].

1786, April 15. Scriveton.—Concerning the Duchess's recent illness, and a retrenchment of expenses at Belvoir. "I have been confined ever since my last by my sprained knee, and have not dared to hunt. It is very unlucky, as a prodigious tribe of Meynelites and Noelites and Lord Spencer's hunt came to Burleigh, to Lord Winchelsea's, to hunt with your Grace's hounds. They had very fine sport, and their expectations have been thoroughly satisfied. As soon as I have an exact description of the runs I will send them to you. But all are in raptures with the hounds."

LORD SYDNEY to the DUKE OF RUTLAND.

1786, April 16. Whitehall.—Concerning a new Navigation Bill which had just been introduced in the British House of Commons, and stating that it is absolutely necessary, for the interests of Irish traders, that a similar Act should pass in the same session through the Irish Parliament. *Signed.* *Marked* "Private."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1786, April 17. Fludyer Street.—Concerning the Melton and Leicester Canal Bills.

The EARL OF TYRONE to the DUKE [OF RUTLAND].

1786, April 19. Curraghmore.—"As your Grace is so good to desire to know my wishes as to the title I chuse in England, . . I prefer Baron Tyrone, that I may write my name the same way in both kingdoms; and would rather add nothing more, unless there being no place in England of the name of Tyrone makes it necessary to be Baron Tyrone of some place, in which case I should choose to be Baron Tyrone of Haverfordwest, ... of St. David's, or Hubberston, these places being all opposite to the coast of this country."

MAJOR J. F. CRADOCK to the DUKE [OF RUTLAND].

1786, April 25.—Requesting to be allowed to purchase the lieutenant-colonelcy of the 5th regiment.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1786, April 26. Fludyer Street.—"From the sort of Committee struck yesterday on Flood's petition, by means of unaccountable ignorance in Sir Peter Parker or his friends, I think if he has the slightest pretence in the world he is sure of being seated here. The accounts I have heard, without any sort of flattery, are that if your Grace chose to be King of Ireland it is now almost in your power; at least that public business was never before conducted so quietly these twenty years, to the astonishment of people here who remember their late heats about the Commercial Intercourse."

The SAME to the SAME.

1786, April 26. House of Commons, Coffee House.—"Sir Peter Parker and the other member for Seaford have given up their cause, and Flood is seated here." "As this man will attempt some mischief, I suppose, as soon as he can, if your Grace will give me any authority to acquaint individuals or the House with any state of a case different from his whenever he begins his plot, I will certainly attempt to do my duty in repeating it."

LORD SYDNEY to the DUKE OF RUTLAND.

1786, April 26. Whitehall.—"I take the opportunity of the messenger's departure with the Bills to press again to your Grace the keeping the Parliament sitting in order to pass the Bill corresponding with that now in our House of Commons for the regulation of the navigation of the British dominions." This is of great importance to the trade of Ireland. By the death of our poor friend St. Leger, there is a vacancy on the Irish staff. We expect many applications, but I believe the King to be well disposed towards Lord Ross, if the appointment is still an object to him. *Marked* "Secret and separate."

S. Hamilton to the Duke [of Rutland].

[1786, April 27.]—Mr. Orde is not well enough to come to town. He thinks an attempt cannot be made to bring in the [Navigation] Bill.

Thomas Orde to the Duke [of Rutland].

[1786,] April 27. Black Rock.—"I am much obliged by your communication of your letter to Lord Sydney, which ought to be decisive, and I daresay will be so. It will, however, be proper to adjourn to give time for an answer to it." *Marked* "Private."

The Duke of Rutland to Lord Sydney.

1786, April 27. Dublin Castle.—I have received the Bill for the further increase and encouragement of shipping and navigation, which you recommend to be submitted to the consideration of the Irish Parliament during the present session. It would be a great omission of duty if I did not represent to you how we stand at present engaged, and how impossible it will be to agitate any new question without endangering the tranquility of the country and the welfare of the Government.

Mr. Orde in my name has declared in Parliament that no further public business would be brought forward, and most of our friends, considering the session as finally concluded, have retired to the country. "I am not a man disposed to raise unnecessary objections or to decline meeting measures fairly on account of their being intrenched with difficulty. But I feel myself impelled by every consideration of my duty to state the mischievous consequences of such a step, calculated to revive all those jealousies which have for some time past inflamed the publick mind, but which are now happily and entirely extinguished. The greatest foe to Government could not suggest an idea more dangerous to its prosperity than the introduction of a great publick measure at this late period of the session, without notice, without preparation, which must carry with it every appearance of artifice and duplicity, and of an intention to supprize Parliament into the adoption of an important system without having full time given for its proper investigation. My own personal caracter could not submit to give color to such an idea, and I am persuaded every principle of sound policy must militate against it. The Parliament has closed with triumph, the country is contented, and it can hardly be worth while to animate a spirit of dissatisfaction to pass a particular law on a sudden when an adequate though temporary expedient may be easily suggested. The trade of Ireland with the colonies can be secured by a provision in the English Act to allow the old registers granted in Ireland to have effect until the 25th of March next, before which time a Bill can pass in the next session here."

Our friend General St. Leger died suddenly last Thursday. This affords a melancholy solution of the question of his appointment to a regiment, on which I was about to have troubled you. I send memorials respecting the succession to the staff, which your Lordship will have the goodness to submit to the King.

Fitzgerald's trial has been put off until the 7th of June. The Attorney-General assured me that the delay was unavoidable. "It seems impossible he should escape punishment. I have in my possession the confession of one of his instruments, which contains such a premeditated system of blood and of general assassination as would not have disgraced the savage machinations of a Nero. I am sorry to add that

we keep pace with England in the number of our criminals. In the jail of Clonmel there are a hundred and seventy prisoners confined for capital offences, most of whom, it is supposed, will be convicted." *Copy, marked* "Secret and confidential"; *also press copy.*

Lord Sydney to the Duke of Rutland.

1786, April 27. Albemarle Street.—Informing him that the Committee on the [Navigation] Bill is appointed for Tuesday next.

The Same to the Same.

1786, April 27. Whitehall.—"I find upon recollection that Lord Ross is a lieutenant-general, and therefore cannot succeed poor St. Leger, who was only a major-general." "Mr. Pitt will write to your Grace upon the subject of Mr. Jenkinson's Bill, and I hope his proposal will relieve us from all difficultys." "We approve of the topics of your intended speech, but are a little disposed to criticize some expressions in it." *Marked* "Secret and separate."

The Duke of Rutland to W. Pitt.

1786, April 27. Dublin Castle.—"I have written to Lord Sydney on the subject of the Bill for the increase and encouragement of shipping and navigation, which he will probably communicate to you. He presses the introduction of the Bill during the present session, but I have represented the impossibilty of its being complied with without confusion, in terms less strong than my opinion and feelings might have dictated. A very adequate expedient and a substantial solution of every difficulty—though a temporary one—I have suggested, and I trust you would not wish to impose on the present Government of Ireland the odium of supprizing the Parliament into the reception of a measure, which at the proper moment they could not hesitate to adopt. In the next session it may be passed without the smallest difficulty, whereas under our present circumstances, the business of Parliament being universally understood and declared by authority to be concluded, it could not fail of lighting up a flame. It would be considered that as all publick business was closed, the Irish Parliament continued to sit for the sole purpose of registering English edicts. Every exertion would be made by the partizans of faction to raise the antient jealousies, to inflame the publick mind, and to animate those principles of confusion which are too easily put in motion, but which are now happily subdued. I need not mention that by the grant of the colony trade to Ireland, it is provided that if the Irish Parliament should not continue sitting for four months after a British Act shall pass imposing new duties or restrictions on the colony trade, the old law shall continue in force with respect to Ireland till the ensuing session shall give an opportunity to pass a concurrent law. The proposed Navigation Act affects the colony trade, and it should seem that the like indulgence ought to be extended to admit of a concurrent law being passed in Ireland, as is allowed in the system of the Irish colony trade. I will trouble you no longer, but only to add that I am persuaded you will not urge the Irish Government to an unnecessary attempt which must involve their ruin." *Press copy, marked* "Private."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1786, April 29. Fludyer Street.—"The public attention is at present wholly taken up with the expectation of Hastings's defence on Monday next, and the Opposition are in high spirits, I hear, on the idea that Mr. Pitt will suffer the impeachment to go to the Lords, which I fancy would be very disagreeable to the King and to the Chancellor, and to the Indian squad. As nothing essential would be gained by this, I don't think Mr. Pitt will let the affair take that course unless urged by Wilberforce, Banks, &c., in private, which, from what I have seen, may possibly be the case; and then the Lords will be joined with the Commons in the farce of acquittal. The charges were so very voluminous I did not trouble your Grace with them, though as Mr. Orde had so much share in some of the reports on which they are many of them founded, I take it for granted he has got them from hence.

"No debate or division being expected on Wednesday, I paired off and dined with Sir F. Bassett, where were some of the Crown lawyers at dinner, and I don't know why, but I find they are generally with Hastings and mean to defend him. On returning to the House at nine o'clock a division was over, and Lord Chatham, who gave me an account of the debate, abused both George Hardinge and Bearcroft as having made two very silly speeches, but I did not discover nor did he acquaint me if anything was decided on. It is thought a bold attempt in Hastings to defend himself, and very injudicious; and yet your Grace remembers how much greater effect Lord Clive's speech had than Wedderburne's."

* W. PITT to the DUKE OF RUTLAND.

1786, April 29. Downing Street.—[*Correspondence, p.* 140.]

* The SAME to the SAME.

Same date and place.—[*Correspondence, p.* 145.]

DANIEL PULTENEY to the DUKE [OF RUTLAND].

[1786,] April 30. Fludyer Street.—Concerning proceedings in Parliament relating to the town of Cambridge.

The DUKE OF RUTLAND to W. PITT.

1786, May 1. Dublin Castle.—"In consequence of a letter I received by the last packet from Lord Sydney, I think it necessary to repeat to you my decisive objections to the introduction of the Bill for the increase of trade and navigation during the course of the present session.

"It would indeed be productive of the most mischievous consequences, not only to the personal credit of Government and to its publick influence, but might be fatal even to the Bill itself, whose success would be extremely endangered by such a hasty and unseasonable manner of introduction. I could point out no step better calculated to inflame a nation, now quiet and contented, but all times prone to jealousy, or to urge them to the most violent and hostile proceedings, than an inconsiderate attempt to force a measure of such

importance through the Parliament, under every possible embarrassing circumstance. I trust you must feel in what an unpleasant predicament I should be personally constituted, after the declaration made by my Secretary in Parliament. The compleatest duplicity, or the grossest ignorance of the proceedings of Government in England, would be naturally and fairly charged upon me, who could direct Mr. Orde to declare to the House that all publick business was concluded, and four or five days afterwards introduce the most important measure of the whole session.

"What injury can arise by postponing the operation of the Act, with respect to the Irish registers, to the 25th of March next, or by following the principles, or rather the express provisions, of the Colony Trade Act, passed in 1780, allowing four months of the sitting of Parliament, from the passing any new law in Great Britain concerning that trade, for Ireland to adopt the regulations? In the proposed Bill, you admit that all the vessels enjoying the privilidge of British ships shall continue to possess them as long as those identical vessels shall remain. The law taking place with regard to Ireland immediately, or on the 25th of March, would make only the difference of so many new vessels [as may] in that interval become Irish ships, and I will venture to affirm that not two vessels will in that interval be added to the catalogue of Irish shipping, so that the object in continuing our session open for that purpose is a very trifle. In point of dispatch, little would be gained by holding the session open. Nothing even can be proposed here till the Bill has received the royal assent. Full notice must then be given; the members of Parliament must have time to assemble; they must have time to consider the Bill after it has been introduced and printed; and with the delays which, on such a very extraordinary procedure, the Opposition in both Houses would be enabled to throw in its way, the passing it here must be delayed to a very late season of the year, and through a continued scene of clamour, ill-humour, and dissatisfaction. Whereas, if it takes an ordinary course, the English Bill will be well known and understood, and our own may be introduced on the first day of the next session and passed in the month of February. I trust you will see all this in the light I wish you to do, and that I may be relieved from a situation of greater anxiety and embarrassment than any in which I was ever involved. I transmit you my intended speech, which I hope you will approve." *Press copy, marked* "Private."

Daniel Pulteney to the Duke [of Rutland].

1786, May 5. Fludyer Street.—"Sheridan made his long-expected attack on the report of the revenue last night very ably, I thought, in a speech of three hours; he was answered by Grenville, the Chairman of the Committee, but they dared not call for a division, and it is now a decision of the House, without reserve, that we have, or will have, a million surplus. However paradoxical the first part of our doctrine may appear, it is pretty certain Mr. Pitt, by his vigor and industry in the reforms of collection, &c., will very soon realize the latter, and I think will lose no credit on the subject when he meets Parliament next year."

* W. Pitt to the Duke of Rutland.

1786, May 5. Downing Street.—[*Correspondence, p.* 147.]

* W. Pitt to the Duke of Rutland.

1786, May 7. Downing Street.—[*Correspondence, p.* 148.]

Thomas Orde to the Duke [of Rutland].

1786, May 6. Holyhead.—Announcing his arrival at Holyhead after a rough passage. "Sir Thomas Gascoigne is here on his way to visit your Grace." *Marked* "Private."

The Duke of Rutland to Lord Sydney.

1786, May 6. Dublin Castle.—I judged you had made a mistake about the military rank of Lord Ross, so did not communicate to him His Majesty's intentions. An official draft of my Speech has been transmitted to you, though it has not been the usage to transmit an official copy of the Speech made at the close of the session. Mr. Pitt's letter respecting the bill for the increase of Trade and Navigation has relieved me from extreme embarrassment. I trust your Lordship is satisfied that it would have been highly impolitic to have introduced such a measure after all public business had been expressly declared to have been concluded. *Marked* "Private."

The Duke of Rutland to W. Pitt.

1786, May 6. Dublin Castle.—"Your letter of the 29th relieved me from the utmost anxiety and embarrassment. Two opinions cannot rationally be formed on the propriety and justice and the necessity of Ireland's passing a law similar to what is now pending before the Parliament of Great Britain. I only objected to the precipitate manner of its introduction, to which you seemed rather to incline. No difficulty, as far as I can foresee, can exist in the way of its passing next session, and every proper regulation shall be adopted in the interval by the Commissioners of the Revenue to prevent any possible ill effects resulting from the delay.

"I thank you much for your readiness to acquiesce in my wishes to visit England for a short time during the recess. I agree with you in the impossibility of effectuating such a scheme during Mr. Orde's absence, and indeed I almost doubt of the policy of taking such a step under any circumstances. I certainly should never attempt it without every circumstance concurring to render the moment propitious. I am sensible of the danger of innovating on systems, and I should be sorry to lay the foundation of restoring the government of Lords Justices, or of setting afloat any expectation of it. But indeed my idea was to have recommended the nomination of a Deputy, and the only person who occurred to me [to whom] I could have ventured to have delegated my confidence and authority was your brother, who perhaps [would not] have been inclined to have embarked in it. However, I waive the idea, and perhaps it is better that the Irish should not know [that the presence of] their chief governor can be dispensed with.

"I rejoice to find your schemes of finance afford you such animating prospects. With regard to the treaty of commerce with the Court of France, I hope Ireland will not be forgotten in the negociation; but I believe it will be difficult to point out in what way she can be benefited.

Mr. Orde, however, who is now on his road to England, will discourse with you at large on this subject. Lord Mulgrave's application for the collectorship of Whitby has embarrassed me extremely. I am the last man to press you, except where my essential interests are concerned. My credit and weight in Scarborough must depend on the conviction which must be there entertained, that my influence with Government is insuperable. Any idea of a contrary tendency would be my ruin. I have put Orde in full possession of all my ideas on that matter, and have desired him ultimately to disentangle the perplexity. I am exceedingly concerned at the account you send me of the Chancellor's alarming situation. His loss would be severely felt, and I fear would be attended with some political embarrassment. No one occurs to me competent to fill the office, unless you resort to the purchase of a Loughborough.

"At the close of your session I shall write to you a letter on various subjects. I have much serious complaint, and many charges of neglect to make, with which, as I am at present in great good humour with your conduct, I shall forbear to trouble you." *Press copy, marked* "Private"; *also rough draft with differences.*

THOMAS ORDE to the DUKE OF RUTLAND.

1786, May 7, Sunday. Conway.—I have just met Kelly and Hyde on the Conway passage, and am writing this in the Ferry House. "I used the privilege your Grace allowed me of opening Mr. Pitt's letter, and I find it relates to a new matter, on which I am not competent to judge without more explanation. I cannot, however, conceive that any difficulty can arise from the continuance of a favorable extension of bounty to Irish vessells in this fishery." "I am surprised to find no letters about the speech, which Lord Sydney seemed to have intimated to your Grace was not altogether approved of."

The MARQUESS OF LOTHIAN to the DUKE [OF RUTLAND].

1786, May 10. Duncrofts, near Staines.—I fully intend to pay you a visit as soon as I can contrive it. It depends on my finances, which are in a fair way owing to the pains of my friend Major Drouly, who has found out all the mismanagement of my estates. I congratulate you upon the very distinguished address you have received from the county of Donegal.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1786, May 10. Fludyer Street.—Concerning the Canal Bills, of which the Leicester Bill had, the night before, been lost by nine votes, through the exertions of Lord Rawdon and Sir William Gordon.

G. A. BYRON to the DUKE [OF RUTLAND].

1786, May 13. St. Germain-en-Laye.—Acknowledging gratefully a kind answer to a letter which he had written to the Duke in favour of his mother.

THOMAS ORDE to the DUKE [OF RUTLAND].

1786, May 13. Sudbury Green.—I have written to Mr. Hamilton upon the Navigation and Fishery Bills. I hope that everything relating

to them may be pleasantly adjusted. I was received at St. James's yesterday with marked expressions of the satisfaction and favour with which your conduct and success in the government were viewed and accepted here.

I see clearly that the rotation of the cavalry will be a difficult object to accomplish. Parliament will not rise before the middle of next month. "Sanguine expectations are formed of a successfull issue to all their proceedings, which are numerous, and many of them of a delicate nature." "Hastings has made his defence. I have not yet read it, but I perceive that he has made a strong impression, and has a sufficient force to laugh at his accuser. I do not, however, find that there is any idea of a speedy decision by some pointed question, but that in all probability, the half-finished business will be postponed to the next session.

"Lord Lansdown staid in town yesterday that I might pass a quiet hour or two with him. We had much conversation, and upon the whole I was happy to find that he has no design of opposition, although his mind has certainly no favorable bias, in consequence of supposed neglect. He professes in the strongest terms a wish to be able to take a distinguished line in support of the King's Government *without office*, but I see that he would expect confidential communication. He assures me also, which I could have readily supposed, that very many people have endeavoured to tamper with him and to influence him to engagements as the head of a party, but he has indeed uniformly protested against it, and vows he has no political personal attachments except to your Grace, in which I believe him to be most sincere. I should be very happy to see him embarked in that very line he speaks of, but I perceive too many causes of mutual jealousy to allow the indulgence of any great hope in that way. He receives, I believe, a great deal of information, but much of it bad, and he is credulous. He interprets many appearances into designs which I believe never existed. He is, however, very sagacious in some of his surmises, and, I am convinced, judges rightly in general of men's characters and motives.

"His idea is that the Court was certainly against the Duke of Richmond's plan of the fortifications. He is rather singular in this notion, but I have not had an opportunity of finding out the truth in that respect. I am inclined upon the whole to suppose a cold neutrality. Something is to be moved again upon this subject, but I do not know the extent. Much jealousy, however, is created between the Boards of Ordnance and Admiralty. Lord L[ansdowne] supposes that Lord Sydney is negotiating a retreat, and that Jenkinson is pressed forward as his successor, but that Mr. Pitt cannot bring himself to complete the plan. Sudden arrangements take place without any apparent communication, and therefore something may unexpectedly come out." *Marked* "Private."

The Duke of Rutland to W. Pitt.

1786, May 14. Dublin Castle.—"I have shown the clause proposed to be inserted in the Bill for the Greenland fishery to the Speaker, the Attorney-General, and Beresford, who cannot perceive a word exceptionable. You will, of course, be careful to avoid any expressions in the Bill which might imply a disposition to bind Ireland by any Act of the British Legislature. In the Acts of the 15th and 16th of the King there are some of such tendency as *authorising* and *requiring* the Commissioners of the Revenue for Ireland to grant certificates. But the circumstances of the two Legislatures being now wholly changed,

and this country not a little prone to jealousy, you will see the necessity of being extremely circumspect and delicate in the turn of your expression. I hope you will not omit sending me the Bill on the earliest moment." *Draft, marked* "Private."

The Marquess of Lansdown to the Duke [of Rutland].

1786, May 15. High Wycombe.—This is to recommend no less a personage than Mrs. Abington to your protection. "I never before ventured to name her except to the late Lord Ashburton, who wrote, I believe, half a play for one of her benefits. She writes me word that Mr. Daly offers her everything to go over to play before the Duke and Dutchess of Rutland, but that whenever she has been before in Ireland she has been always particularly noticed by the Lord and Lady Lieutenant, even so far as to have been admitted to their table, and that she can't think of stirring from hence without a recommendation to their Graces." I shall be much obliged "if you will honour her with your protection in the line of her profession. The Dutchess, who has been in France, knows the great distinction made between *fille* and *fille des talens*. I was shocked to see Mr. Orde. He speaks in the most affectionate manner of your Grace's tenderness for him; but, if he does not get surpriziugly better, the kindest thing you can do by him is to forbid his return to you." *Marked* "Most secret and confidential."

Thomas Orde to the Duke [of Rutland].

1786, May 16. Sudbury Green.—"The reports about the Prince of Wales are full of contradictions. It is certain that many of the persons said to have been present were not there, and the clergyman who is supposed to have performed the marriage ceremony had, as Lord S—— assures me, no share in it. The P[rince] denies the thing, but has at the same time dropped hints of her belief in the connection, and has wished therefore that their happiness might not be interrupted by conjectures and rumours. This, however, gives reason to imagine that some ceremony had passed.

"His Royal Highness was present at the marriage of Lady H. W. with Mr. C., and after the ceremony the Duchess of B. unthinkingly turned to His Royal Highness and said that she supposed this to be the first marriage at which he had been present. The Prince assured her Grace with great energy that it *really* was the first. The Duchess hereupon recollected her *faux pas*, and was confounded.

"The conduct of her friends is very different. Some of them see and countenance her; others totally avoid her. The Hagerstons and Erringtons are among the first, and Lord Sefton among the latter. The Prince is very angry with the Duchess of Portland because the Duke will not suffer her to receive Mrs. F[itzherbert]. In the meantime the Duke of Orleans, &c., keep up the wild spirits of His Royal Highness, and indeed I am almost led to suppose that there may be some design in their apparently idle visit to this kingdom."

"I do not hear the report of Lord Walsingham's going to Spain contradicted. . . . The Board of Trade is, however, no longer spoken of, and Jenkinson's promotion to the seals and to peerage is all the talk." The Chancellor certainly recovers, but slowly. You must have been in alarm about Lord Earlsfort, who, I hope, is now out of danger. The succession would have been a great difficulty, "as there could be safety in sparing Fitzgibbon, and yet he ought never to be passed by." *Marked* "Private."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1786, May 16. Fludyer Street.—You doubtless know that the rejection of the Fortifications Act has occasioned some differences in the Cabinet, which shew themselves in the House of Commons. "A Lord of the Admiralty having voted against the Duke of Richmond, Luttrell spoke and voted against the Admiralty Board last week, and Mr. Pitt was beat on an Admiralty regulation, though the attack was directed at Lord Howe. . . I find the same men will oppose the Fortifications to-morrow, and we shall perhaps be beat again, with what consequences I cannot at all foresee, for on my telling Steele I did not think we were much hurt by being beat on the Fortifications, he told me it was more necessary to the quiet of Ministry than I seemed to fancy."

The EARL OF CHATHAM to the DUKE [OF RUTLAND].

1786, May 17. Berkeley Square.—I am glad to see you have dismissed your subjects in peace and contentment to cultivate their potatoes. It is impossible yet to foresee the exact period of the session here, but I think it must last another month. I then hope to be able to put in execution what I have much at heart, the seeing you in Ireland. The event of Mr. Hastings's business in the House of Commons will begin to appear before long. But at all events, I imagine it will not come to the Lords this year, if it should at all.

ADMIRAL J. GAMBIER to the DUKE [OF RUTLAND].

1786, May 18. Bath.—Asking the Duke's patronage for his younger son, who is anxious to obtain a commission in the army.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1786, May 20.—You have seen by the papers that the "second edition of the same plan of fortifications was treated so contemptuously in the House, that, if we had come to a division, we should have been beat by a a large majority. Sir G. Howard speaking against it, every one considers the King as averse to it as the House of Commons; though I cannot say I think on the subject either with His Majesty or the House."

THOMAS ORDE to the DUKE OF RUTLAND.

1786, May 20. Sudbury Green.—Your answer upon the Greenland Fishery Bill is so satisfactory as to remove all necessity of saying more upon it. "You will have heard of the event of a new tryal upon the subject of fortifications. It seems to me to have been rather unwise to bring the matter again into question without a certainty of success, for, although I am told that the consequence is only a momentary exultation to the enemy, and will not at all weaken Mr. Pitt's administration, I cannot but apprehend ill effects in the general mind, as the public, or at least a great part, will only judge from appearances. These are the more awkward as several of the steady friends of the Court are found in opposition to this measure. Jenkinson told me that he could not rightly understand it. It seems, however, after all to proceed chiefly from the decided unpopularity of the Duke of Richmond. I believe that Pitt is very sore about it, and does not

well relish the warmth with which some of his best friends have engaged in running this business down." I saw Mr. Pitt on Thursday for a short time. He acknowledged the justice of your claims in regard to Scarborough, but lamented that he had been inadvertently betrayed into a promise to Lord Mulgrave. He finally suggested a new arrangement, in the hope that it may satisfy both of you. "The peerages for Lord Tyrone and Lord Shannon could not have any immediate answer. Many circumstances must be considered before it could be determined to accomplish that measure *so early* as your Grace wishes it to be done." *Marked* "Private."

The Duke of Rutland to Thomas Orde.

1786, May 23. Dublin Castle.—I am greatly concerned by the accounts of your health contained in your letters. "Lord Earlsfort is entirely recovered. His death would indeed have greatly embarrassed me. The Attorney-General mentioned his wishes to be his successor in the event of his dissolution, with all that delicacy which is so much his characteristick, and with all that regard to my affairs which he has so constantly demonstrated. In truth, should even a higher situation become vacant, I should feel [it] very unpleasant to see him superseded by an English Chancellor. But I sincerely hope that there is no probability of any event to open that situation till the objection of his too much youth could be done away. From personal inclination towards Fitzgibbon, my mind is entirely decided on that matter, and I protest I should take it to be for the real interest of my Government. I hear he intends to withdraw himself decently from the very young company with which he has too much mixed, and that he is inclined to marry, which will greatly contribute to advance his pretensions. The Chancellor is, however, in perfect health. But it is as well to be prepared against every human contingency." I have seen Sir Lucius O'Brien. His object was the Mastership of the Rolls. I told him there might be difficulties in regard to his obtaining that, "but that I would *become his pledge* that office should be proposed to him. He only hoped that at a proper period he might be informed what the immediate intention towards him might be, lest after Government having given themselves any trouble on his account he might wish to decline the particular office. To all this I acceded. You see by this conversation I am absolutely engaged as a gentleman to provide for him honourably." I shall ask you, when your health permits, to open some negotiation to fulfil my engagements. It occurred to me that the Mastership of the Rolls, could it become vacated, might be judiciously disposed of, for instance by naming Ponsonby to that office, and placing Sir Lucius at the Post Office. Turn this idea seriously in your mind, and consider whether it would be better to negotiate through Lord Chief Justice Paterson, who has authority, or with the Principal [Rigby]. As to Lord Bellamont's application, I am inclined to acquiesce. He came to me with the Duke of Leinster to clear up a matter, which he thought tended to asperse his character, relative to the commutation of his pension. I expect to hear of a vacant vice-treasurership. Should both be opened to Irishmen the Duke of Leinster must have one. Lord Mornington has, both from Pitt and myself, the absolute promise of the first.

"The state of the province of Munster, as far as relates to the clergy, is very alarming. Not a guinea will be received from any living. The combinations increase. The Whiteboys still are rising, and the bishops are considered by the inferior clergy to neglect their

interests. Something must be done to prevent the progress and growth of this evil. But it is a question of extreme delicacy, and requires the utmost attention. It might be as well to state the whole at large to Mr. Pitt, and to hear his sentiments on the disorder and its remedy."

"You will earnestly recommend to Mr. Pitt the performance of his engagements to Lord Shannon and Lord Tyrone in regard to their English peerages. It would be highly politick to make these creations at the time the vice-treasurerships are to be disposed of, as Lord Tyrone cannot in conscience clamour at the moment of receiving so great a favor."

"I have to trouble you with a request to Mr. Pitt for a small office in the Revenue, the waiter and searcher of the port of Aldborough, for the son of the present possessor, who is at the point of death. The person I wish to recommend is a Mr. Crabbe, the brother of my domestick chaplain."

"Pitt somehow or other, much to the detriment of his own solid interest, contrives to defeat my election purposes. I had, through the means of Mortlock, an intention of securing a seat in the town of Cambridge. But the persecutions that he has experienced from my enemies in Cambridgeshire have made him act very absurdly by taking a part hostile to Government, which he would not have done had I been in England. But I fear Mr. Pitt has listened to his enemies."

"I beg you will not fail to assure Lord Shelburne (Lansdowne,) whenever you see him, of the sincere regard which I most unequivocally bear him. I am sorry everything is not conducted towards him as it ought to be. He has undoubtedly every claim upon Government; and I am grieved they have not fairly acquitted themselves to him."

Lodge Morris to the Duke [of Rutland].

1786, May 24. Sackville Street.—Stating that as neither his health nor temper will allow him to persist in serving any other Lord Lieutenant with the zeal and assiduity which he now displays, he hopes that before the Duke's departure from Ireland closes his political career, his Grace will carry out a declared intention of conferring on him some mark of honour becoming a gentleman.

Thomas Orde to the Duke of Rutland.

1786, May 31. Sudbury Green.—Concerning the state of his health. Sir Richard Jebb has so strictly ordered me not to stir from here, that I shall for the future carry on by letter such business as I may engage in. But I saw Mr. Pitt yesterday, and shall now state to you his ideas upon the several points you desired me to lay before him. I rejoice in finding you relieved from the embarrassment into which Lord Earlsfort's death would have thrown you. For though I agree with you that the Attorney-General has entitled himself by a uniformity of zealous conduct to a preference in the succession to the high office of Lord Chief Justice, yet the consideration of Fitzgibbon's use in the House of Commons, the only place where your Government can be seriously affected, must have pressed with heavy weight of regret upon you for the necessity of losing him in that most important quarter. But I am mistaken if Fitzgibbon would not himself rather for some years maintain his present station than make any even advantageous exchange. In point of emolument the King's Bench could not afford it to him, and the Great Seal itself could hardly be an object of desire to him for the next six or seven years.

Lord Lifford's present health and spirits seem to preclude the idea of any immediate vacancy in the office of Lord Chancellor, which would not entail considerable expense. But the nation might be reconciled to the expense, if the change were for the public benefit. Baron Eyre is the only man in England who might properly be selected for the office in preference to Fitzgibbon. And a wish has been expressed here that arrangements could be made for the appointment of Baron Eyre as Irish Chancellor, for a period not exceeding six or seven years; which might satisfy Fitzgibbon, if his succession could then be assured. Perhaps you could contrive to find out the sentiments of the latter in regard to such a project. You will not, however, have forgotten how Lord Earlsfort's jealousy was excited by the rumour of some such arrangement, during Lord Lifford's recent illness.

I wrote to Mr. Hamilton on the subject of Sir Lucius O'Brien. Your plan of bringing about a vacancy in the Mastership of the Rolls ought certainly to open new opportunities of patronage, and Sir Lucius ought to be exceedingly well contented with the Post Office. But I deceive myself if Sir Lucius does not dream of obtaining a grant of office or pension for life, and I am sure you will see the impossibility of gratifying him in that respect. I should imagine that a sinecure office of the description which has been held by persons of a certain rank, even though under 1,200*l. per annum*, might answer well for him. In regard to this particular object, there seem to be two very serious difficulties which oppose the success of Sir Lucius. In the first place, the want of pretence for putting the country to the expense of resuming the office of Master of the Rolls, without any public advantage, is an obstacle which Mr. Pitt seems to consider almost insuperable. In the second place, what is to be done with Lord Mornington, who would think himself entitled to the first offer of such a situation unless he had a certainty of succeeding to a vice-treasurership? But his prospects in this respect are very doubtful at present. "Mr. Pitt told me yesterday that he was much distressed upon this subject. There is a probability of an early vacancy in one of these employments, and he could wish to transfer the nomination of the successor to your Grace as Lord Lieutenant, but there are serious obstacles in the way of this plan. He could not part with the patronage from this country, unless upon the ostensible ground of introducing some equivalent, and that is not yet absolutely determined upon. But a more forcible impediment arises from this apprehension, that it would immediately be objected to him as a paltry subterfuge, because there would be no security against the grant of the office in such a manner as to increase the influence of the crown in the British House of Commons, unless a law should be passed or resolution of the House to disqualify any Irishman holding that office from sitting in the English Parliament, which would not be a very practicable or politic measure. I then suggested the idea of *his* giving it to Lord Mornington as the British Minister. Here he started the dilemma into which he would be thrown. Lord Mornington has certainly had strong promises, but fixed upon the Irish Government. He had taken no part in England which could justify his promotion to so high an office, for which so many claimants with better pretensions would enter the lists. I could not help reminding him of the manner in which Lord Mornington became fixed as an expectant upon the English Government; and I could not avoid adding, that his Lordship had not more distinguished himself in Ireland by any active zeal he had shown there. But after all, the engagement was the thing, and it must be performed in some way or other satisfactorily. He entirely agreed with me, and begged me to consider and suggest

to you some other means for his gratification by the grant or reversion of some patent place. He was aware of the difficulties, and hardly expected success, but wished it to be considered. I entreated him to think of means for obviating his own embarrassment, and for giving the office himself to Lord Mornington. He promised to do so, and that subject was dismissed."

I have given Mr. Pitt a full account of Lord Bellamont's conduct, and stated his present aim. Nothing can be more decided than Mr. Pitt's opinion of the almost certain hazard to which you would expose yourself by yielding to such an arrangement. He desired me to represent to you that neither Lord Bellamont's consequence, or character, or conduct would justify the gratification of so extraordinary a request. If, holding a pension of so large an amount *during pleasure*, Lord Bellamont could not be depended upon, how can you secure his certain support by putting it in his power to act as he pleases? Would it not give cause of offence to the tried friends of Irish government if you should step out of your way to obtain a precarious attachment from a person who ought to have been punished for his tardiness if not his defection? Mr. Pitt is strongly of opinion that it would be well to secure the Duke of Leinster, if that can be done *effectually* by the means you suggest.

"It is whispered to me by authority that the cause of Lord Luttrell's failure is solely to be explained by Lord Edgecumbe, who had certainly, on his account, declined to accept the recommendation of Mr. Pitt. . . I received a letter from Mr. J. Luttrell, with enquiries into the cause of his brother's disappointment, which gave me the first intimation of any such event; for, in truth, I had concluded that he was already returned for Bossiney. I know not how it is to end. I have, however, strongly impressed the opinion of its being a wise measure to seek to attach Luttrell to the Government, on both sides of the water. At all events, he ought to be well satisfied with the attention which your Grace has really gone out of your way to show him.

"The subject of the Whiteboys, and all its appurtenances, must make up a separate letter." I have fully communicated all the information which I have upon the subject; and "there seems to be no hesitation in pronouncing the expediency as well as good policy of some accommodation upon some principle of commutation, for the real welfare of the Church as well [as] of its ministers."

"The peerages of Lord Shannon and Lord Tyrone are to be seriously considered. As yet, however, I can gain nothing but looks of uncertainty, I mean only *as to time*."

The place of waiter and searcher of the Port of Aldborough will be given, as you recommend, to Mr. Crabbe. My obedience to your instructions has saved Mortlock from much trouble. Mr. Pitt managed the matter favourably in consequence of it. I shall sound Mortlock privately.

I have urged Pulteney's claim for a provision in the proper quarter. "I have *very good* reason to believe that the first deanery or other good thing of that sort which may become vacant will be offered to Dr. Ekins."

I am sorry to say that your old friend Lord Mansfield is at last become incapable of further attention to business. His mind preserves its vigour, but the bodily frame is so shattered that "he cannot command sufficient steadiness of hand to direct his pen; and he could not officiate as Speaker of the House of Lords, because he was unable to raise it to his head to take off his hat upon occasional forms of ceremony." *Marked* "Most private."

LORD SYDNEY to the DUKE OF RUTLAND.

1786, June 1. Albemarle Street.—Lord Errol, the son of a very old friend of mine, wishes to purchase a troop in Sir Joseph Yorke's regiment. He is a young man of an excellent character and figure, and has been six years a lieutenant. None of the lieutenants in the regiment will purchase. Lord Errol's promotion would be approved of *here*, and would confer a personal favour on me. There is to be a chapter of the Garter to-morrow. The King means that the Princes his sons shall be exempted from the number of knights ordinary, which decision gives him four Garters to dispose of. The Landgrave of Hesse, the Duke of Beaufort, the Marquis of Buckingham, and our friend Cornwallis are to be the new knights. *Marked* "Secret and separate."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1786, June 2. Fludyer Street.—I have seen Mr. Hill, who read me a part of your letter to him repeating Mr. Pitt's intentions *forthwith*. Colonel Pochin, Sutton, and I have arranged to visit you in Dublin about the twentieth of this month, when Lord Chatham also talks of being with you. I have not been able to see Mr. Orde, as he only stays three or four hours at a time in town. He sent me a note conveying your sentiments respecting Mr. Mortlock, about two hours after the latter's business was settled. The note refers to intercession for him in other quarters, but I fear that he would have been censured or even expelled if Mr. Pitt could have carried on the enquiry, and that he would have done so if your own and Mr. Mortlock's friends had not actually beat him on the first division.

"We sat last night on Hastings till three o'clock, when the debate was adjourned, before any of the principal speakers had risen except G. Hardinge, who spoke very ably against Hastings and for the impeachment, better indeed than I could have ever imagined, as I have heard him very indifferent two or three times before. I suppose he is not pleased with some intended law arrangements, but we shall negative the charge by a great majority, so great that I shall be very indifferent whether to divide or no, as it is certainly Pitt's interest that these Indians should be kept under a little and not shew too great a strength in the House. The merits of the question are in spirit with Hastings, but very strongly against him according to the letter. There were several young speakers last night, but nobody worth notice except Lord Mornington, who made his *coup d'essai* here by a skirmish with Lord North, I suppose in order to harden himself a little, for he had not considered, nor did he speak at all to, the subject, though if your Grace knows any of his friends, they may be told he lost no credit, but much the contrary, by a very spirited manner that engaged the attention of the House. I sat by another maiden orator of this Parliament who was expected to rise, I mean Flood, but he did not venture to risk himself again on a subject where he at first foundered; indeed, he appears so languid that Lord Luttrell need not have a seat here, I fancy, this Parliament, to watch him."

The DUKE OF RUTLAND to [THOMAS ORDE].

1786, June 8. Phœnix Park.—I thank you exceedingly for your letter, which from its length may, I fear, have been prejudicial to your health. I shall at once go to the points referred to in it which have afforded me some uneasiness. "The opening a vice-

treasurership without a view to Lord Mornington's succession would extremely embarrass me, and would constitute me in the most awkward predicament. I enter not into what may or may not be the pretensions of Lord Mornington to the first office in the country, but he has a claim which I can never see superceded, my word and my engagement. Mr. Pitt must recollect that—in combination with Lord Temple—he pledged me without my private knowledge of it to give Lord Mornington specifick office, and which I engaged to make good. Various circumstances have since arisen to render him a candidate for the vice-treasurership, and Mr. Pitt is involved in the promise with myself. I never can bear to have engagements depend upon explanation and the nicety of distinctions. I understood that upon the first vacancy Lord Mornington was to succeed, and I must decide with him if a doubt can possibly arise. I wish, indeed, Mr. Pitt could open both offices at once; it would be grateful to the Irish, and would give permanent strength to the King's Government in Ireland. But if one only is to be conceded, I should in truth wish that Lord Mornington might receive it as an English member, and that Pitt would arrange upon that idea. But if he cannot do that, and if Lord Mornington's seat in the British House of Commons be urged as an objection—which the plea of its tending to increase the patronage there seems to imply—I should think he would willingly relinquish that situation. But at all events, if my faith, so strongly pledged as upon this point, be not preserved, I should not know how I could continue in my government with success. The certainty of engagements being rigidly fulfilled is the firmest stone upon which a government can fix its basis." Upon this principle, I must absolutely see Sir Lucius O'Brien placed in office before the meeting of Parliament. "I stated nothing to him specifick, but office at large. Yet at the same time I understood and probably conveyed to him that it was intended to be done previous to the meeting of Parliament. As for office for life, it never entered my thoughts, nor, from what I could collect, had he such a conception." Should Lord Mornington obtain a vice-treasurership, I think it would be advantageous to Government to give Sir Lucius the Mastership of the Rolls, or some office of equal importance.

I do not think it would be fair or equitable to consent to an arrangement in the first law department merely to accommodate English convenience. The present Chancellor has served fairly and unequivocally as a friend of Government, and gives general satisfaction for his integrity, patience, and substantial justice in his courts; so that without his distinct request it would be impossible for me to propose to him terms for quitting the seals. But I am not certain whether retirement upon certain terms might not be acceptable to him. This, however, would burden the country, which we cannot afford except for *Irish* accommodation. "Indeed, I could not with satisfaction see Fitzgibbon's pretensions even postponed. I love the man. He has stood by me, and I must stand by him." Lord Earlsfort, too, who is firmly attached to Government, would have reason to complain if terms were made to vacate a particular office superior to his own, within a given time, for a particular person so much his junior in life; although he must indeed be mad to sacrifice his present noble certainties for what must depend on the breath of Court favour and political protection. For all these reasons I cannot consent to see Fitzgibbon's objects superseded or even put backward. This opinion is final.

The state of Munster still continues to increase in outrage and violence. I have a meeting to-morrow of the confidential friends of Government to determine on some plan to be adopted by the Council to

keep things tolerably well till Parliament at least can provide an efficacious remedy for the evil. I enclose you a paper transmitted by the Archbishop of Cashel. I have asked him to procure evidence of the truth.

I am concerned that the Order of the Garter should be increased. I think no necessity of political management should have broken into an institution of 400 years' standing, which derived its consequence from the chastity of its members and the paucity of their numbers. There will probably be an installation this year, but I absolutely waive every idea of attending it, which would interfere with your plans for the recovery of your health. I forgot Lord Tyrone and Lord Shannon's peerages. The delay will only embarrass Government with ill-founded applications from other claimants; whereas earliness of performance will confer the greater compliment. I shall write to Mr. Pitt myself. "Major Hobart is a candidate for the city of Lincoln. He mentioned it to Mr. Pitt, who was apprehensive of a prior engagement being given to a Mr. Bernard, a friend to Lord Buckingham. I wish to interfere with no prior engagements. But if . . on a vacancy he should find himself disengaged, let him know that Major Hobart will have my utmost support, and that I am certain I shall have his. I hope Mr. Pitt, on all my election views, will not contend to prevent my ability of serving him." It is here universally reported, in consequence of rumours raised in London, that I am about to quit this country. You may easily imagine the effect that such a report has here. "Those who are living on expectation are coming to demand a completion of their objects. So that, like a banker reported to be in a bankrupt way, there is a run on my shop, and all my creditors are pouring in upon me." I have no view to abandon my station so long as I can fill it with honour to myself and advantage to the Empire, and while I possess the confidence of the Government with which I am acting. Would it not be prudent for Mr. Pitt to make some sort of declaration, either in Parliament or to some company, of the satisfaction which is felt as regards the Administration of this country? *Draft, marked* "Most private."

Daniel Pulteney to the Duke [of Rutland].

1786, June 11. Fludyer Street.—"Your Grace has seen that Hastings is acquitted of the Rohilla war, which, though a very politic and successfull measure, Pitt would not rise to defend, from its extreme injustice and its disobedience to all orders from Europe. The case was; an indirect agreement had existed between the Indians and Ministry for Hastings' acquittal, and everyone knew his abilities alone had preserved India, but it would have offended the world if a very strong vote had passed in his favor upon the evidence before us, and the East Indians might have been too elate and mutinous, so, everything considered, I think the affair has ended in the best possible manner for Mr. Pitt." "Lord Camden thinks the impeachment should have taken place, and George Hardinge . . argued very well indeed on the subject." I sat by accident next Flood, "who did not, I fancy, stay the division, and in talking over the merits of the question he seemed to wonder Ministry did not defend the Rohilla war from its policy, which he thought more manly."

Thomas Orde to the Duke [of Rutland].

1786, June 14. Sudbury Green, Harrow.—"I am ignorant as ever of the arrangements, if any, which are to take place in the ministerial

body. It should seem, however, that some precautions would be wise for fear of misfortunes, especially in the House of Lords. The fresh attack upon the health of the Chancellor, although now happily subdued, ought to give an alarm, for as Lord Camden takes no active part, and indeed he appears to fail much in his strength, there would be a dreadfull deficiency in that quarter. It cannot be supplied but by fresh negotiations, unless Mr. Jenkinson shall, as report has said, be advanced to the peerage. I hear now again of the Board of Trade, and of his intended establishment at the head of it."

"I am confident that Lord Sydney is little consulted or regarded in his department, and I have reason to believe him to be often rather indignant at the neglect with which he is treated. I doubt, however, whether he feels it so sensibly as to be provoked to resignation. As to treaty for new force, I see no sign of it. Lord Lansdown is certainly not in contemplation. Lord Loughborough and Lord Stormont seem to be the only quarter for tryal. The K[ing] might perhaps wish for the latter. In the meantime people are not well satisfied. Complaints are made of dilatoriness and uncertainty, yet I know not with what reason. Many important matters indeed yet remain to be disposed of. I trust that your Grace's last letter to Lord Sydney will have taken off the embargo from one of them. I am very glad to have received from Mr. Hamilton this day the Speaker's opinion, coinciding with those of your Grace's other friends who met together.

"I am yet to learn how the questions respecting Mr. Hastings' conduct are to be all got rid of. I cannot imagine that the House will really listen patiently to the whole train of charges which Burke has, with a curious detail, conjured up against him. It is now evident that Administration is favorable to him, and if their countenance has been able to carry him through the business of yesterday—I have not yet heard the result of the debate—I think him clearly out of all hazard whatever. I will own, nevertheless, that the whole affair of Benares seems to me of difficult exculpation.

"I am very glad to hear of Fitzgibbon's disposition to marry, and to withdraw himself by degrees from the society of the young men, which has indeed been hardly consistent with his public situation, and certainly created prejudices against him here, which the vigor and zeal of his conduct towards Government could scarce efface. I hope that the choice he will make may be such as to render more easy and durable the execution of his prudent intentions with regard to the change in his mode of living.

"I suppose that your Grace has heard of Lord Fairford's match with Miss Sandys, by which, as I am informed, he will obtain a great accession of fortune and interest in the county of Down, besides a considerable estate in this kingdom. Lord Hillsborough means to return to Ireland in about a fortnight. He has written to me again about his Register's office, and I have again informed him how the grant was intended to be made to his son in conjunction with him, which was all that you could consistently do for him." *Marked* "Private."

[The Duke of Rutland ?] to ———.

[1786, June.]—"Lord Bellamont having expressed a desire to be informed if he was in the contemplation of Government for some honorable situation in His Majesty's service, was of course answered that his conduct in the last session of Parliament had inclined me to suppose that he intended to act in opposition to my administration, and that it had therefore been my purpose to have asked an explanation of his

sentiments and of the part he had taken in Parliament, and of that he designed to pursue. He appeared to be very anxious to acquit himself of any hostile dispcsition against my Government, and declared his firm attachment to His Majesty's service. He considered himself, indeed, as a neglected man, and not allowed to indulge his wishes to come forward as an active friend, because he could not appear in the character which he thought he was entitled to; that he had therefore resolved upon neutrality, and conceived that he was not liable on account of his present situation to be called upon for his support to the measures of Government. In regard to the last session, he had differed only upon the point of the Commercial Propositions, and really thought he thereby consulted the genuine interests of the Crown, the Government, and the public."

He insisted "that upon the subject of the succession to the Chair he had never interfered at all. A plan of opposition to Mr. Foster had accidentally arisen at his house, but he had taken no part in it, and, indeed, thought it from the beginning a very idle and ill-concerted measure."

The Archbishop of Cashel to [S. Hamilton].

1786, June 14. Cashel.—The enclosed papers show that the Whiteboys are advancing into this neighbourhood. The paper No. 1 was delivered to the curate of Knockgrafford on Sunday by a man, who directed him to read it in church.

James Byres to [the Bishop of Killala].

1786, June 14. Rome.—On receipt of your letter, being in possession of the seven pictures, I had them carefully packed and sent the case to Leghorn, directing it to be kept in a dry place until further orders. I then set about getting the other picture, as the Duke wished for it. I had not intended taking it, thinking it—although an original picture—inferior to the others, and not necessary to complete the set. The negotiation and copying it required a considerable time. As soon as I got it I packed it up with the prints you ordered, sent it also to Leghorn, and directed both cases to be forwarded, as you desire, to Sir Joshua Reynolds.

"I am at a loss what to say about the eighth picture. It was not included in the value I put upon the others, and Lord Spencer, who is the only person to whom I have mentioned this affair, offered me, last November, two thousand pounds for the seven, and desired to have them if the Duke of Rutland did not take them. It stands me in near 200*l.*, and I have put it at that price in the enclosed note, as also in the bill of exchange, which I have this day taken the liberty of drawing on his Grace for 2,259*l.* 17*s.* 6*d.* at three months date in favour of my brother, Robert Byres, Charterhouse Square, London, which I hope will be duly honoured. This transaction being now finished, I must beg the favour of your Lordship to recommend to his Grace that it should be never mentioned through whose hands he got them, for my name being mentioned might be attended with the worst consequences to me here, where we live under a despotic government who are more jealous than ever of fine things going out of Rome, and a fortnight ago was revived all the rigorous prohibitions concerning them; and I hope his Grace or you will be so good as to write Sir Joshua Reynolds cautioning him on this head. I thought it was best to leave this to you, and have said nothing of it in my letter to him."

I hear that the King of Naples has given liberty to everybody to dig, so that there is a chance of many fine things coming to light in that country. A value is to be put on everything found, and the King is to have the refusal of it. "Our friend Sir William [Hamilton] is well. He has lately got a piece of modernity [Emma Lyon] from England, which I am afraid will fatigue and exhaust him more than all the volcanos and antiquities in the kingdom of Naples."

I have often thought of the present you wish to make, "and can think of nothing from this country so elegant as three cameos for a pair of bracelets and a locket or medallion to hang at the neck. This, executed by Pichler on oriental onyx's and set in gold with oriental pearls, might be done for about 170*l.* sterling."

Enclosed is a bill for pictures by Poussin and engravings.

The Earl of Mansfield to the Duke [of Rutland].

1786, June 19. Kenwood.—"To receive so kind, so affectionate, so invaluable a letter from your Grace is worth an illness. Mine is a painful rheumatism in both arms, and, what is worse, the return of a disorder which fell upon my nerves from the shock I felt two years ago, and not to flatter myself, *senectus ipsa morbus est.* The pride of my decline of life is the honour of your friendship. I shared with your Grace the successful conclusion of a session which shewed the prudence by which it was conducted. It must be a steady and skilful hand which guides so fortunately in so uneven a sea. I heard with pleasure your praise and gratulations from the Bishop of Killaloo, who told me how kindly your Grace remembered one who has long loved and esteemed you. I beg my best compliments to the Duchess. By not running after, or otherwise courting popularity, than by deserving it, I hear it now follows you both. Be assured the true popularity is that which follows."

The Marquess of Lothian to the Duke [of Rutland].

1786, June 20.—Concerning his proposed visit to the Duke in Ireland.

Sir Joshua Reynolds to the Duke [of Rutland].

1786, June 23. London.—"I am very much flattered by your Grace's kind invitation to Ireland, and very much mortified that it is not in my power to accept of it this year, on account of the picture which I am to paint for the Empress of Russia. However, I don't despair of accomplishing this visit to Ireland before your Grace leaves it.

"In regard to the Augustus, I fear it is irretrievably gone. It was bought by the Duke of Portland for 125*l.* The Duke of Marlborough told me he bid as far as 120*l.*, but the Duke of Portland was resolved to have it at any price; he made the same resolution respecting the vase, which he bought at 900 guineas. The Augustus would have been worth double what it was sold for if it had been perfect. The lower part of the chin and the neck was gone; what remained was of the most exquisite Greek workmanship.

"I suspect the Pope's head of Velasques to be the same as is in the Pamphili Palace at Rome, and not the portrait of Leo Xth. The same Pope, who having disobliged Guido, he made a caricatura of him—or, rather, made a devil of him—and put him under Michael's feet.

"At Chiswick there is likewise a head of the same Pope by Velasques, but not equal to that which is at Rome, which I think is one of the first portraits in the world.

"I have heard nothing of the Seven Sacraments. I hope no cross accident has happened. I wish they were safe landed."

Charles Manners Sutton to the Duke [of Rutland].

1786, June 24. Canwick.—I have received an extraordinary letter from the Dean of St. Patrick's, who writes me word that the Bishop of Kildare lies dangerously ill at Bath, and adds that as I expressed some wish for his preferment in case of a vacancy on the bench of Bishops, he wishes to know if my inclinations continue the same. I have answered him that I never entertained the most distant view of succeeding to his deanery, and that my respect for your Grace, as well as the consciousness of my own insignificance, would not suffer me to interfere in the disposition of bishoprics.

Thomas Orde to the Duke [of Rutland].

1786, June 25. Sudbury Green.—I am very grateful for your kind purpose of denying yourself for my sake the satisfaction of personal attendance at a ceremony which would have many peculiar inducements to call you to it. Mr. Pitt, however, informs me that there is no thought of an installation this year. He desires me to assure you that he shall rejoice in finding you at liberty next, if not this year, to pay a visit to England. I took the opportunity of mentioning the idle reports of your being about to retire from the Government, and the confident manner in which these rumours were repeated in Ireland. I intimated also the great inconvenience to you from the solicitation of expectants, and to him from the suspicion which might arise of dissension and dissatisfaction on one side or the other. He promised to use proper and discreet means to put an end to such reports. It was impossible to use stronger expressions than he did to mark both his private regard and attachment for and perfect sense of public obligations to you.

"I perceive with much concern that your Grace had conceived uneasiness at some parts of my last letter, especially at that which related to Lord Mornington, as if Mr. Pitt had any idea of bringing you into the very disagreeable predicament of explanations and modifications after what has passed. He only had doubts about the means of opening a vice-treasurership to Lord Mornington, and wished to try if there might not be some other method devised for his gratification with which he should be well satisfied, Mr. Pitt taking upon himself the settlement of that point. He is very sensible that you can open no reversion to his Lordship, and he therefore gives up that object; but as he acquaints me of the almost impossibility to settle the vice-treasurerships at present, he shall take measures, which he is sure of making successfull, for relieving you from further anxiety about Lord Mornington, by another arrangement to take place here. In short, I am to assure your Grace that Mr. Pitt will content Lord Mornington, and at a much less expence than by a vice-treasurership. This will probably be the good effects of ready payment. I do not know what peculiar employment he has in contemplation for him."

I wish I could see as good a conclusion of Sir Lucius O'Brien's business. I was not aware that you had engaged to propose office to him before the next meeting of Parliament. I must confess I do not think

he had a right to expect such limitation of time. I fear embarrassment from the endeavour to hasten the settlement, but I will do what I can. "I am free to repeat my opinion about the Mastership of the Rolls, not because Mr. Grattan may make a momentary disturbance about it, but because it will afford an immediate ground for every [Irish] claimant to insist upon the resumption of every sinecure employment held by Englishmen, in order to give it to them, which will subject your Grace to infinite trouble and mortification. It is curious to observe that Sir Lucius, who was so delicate about a pension, because he would not occasion increase of public charge on his account, has no scruple to impose a heavier burden for no more usefull purpose; for I confess the transfer of a *sinecure* office does not seem to be a matter which should conciliate the public more than a pension, upon a mere question of expence." I will call upon Lord Clermont, and try to ascertain what course he might be induced to take. With regard to your idea of gratifying Mr. Ponsonby, I must call your attention to the enclosed extraordinary letter. I take for granted that you will not suffer his version of the contest for the Chair to remain uncontradicted, though you may not wish to make a hasty breach by strong expressions of justifiable resentment. "Your Grace will, I am confident, be induced to laugh, if you can, at the absurdity of the pretence; to make such an effect gently felt by the author of it, and to convince him that he could not adopt a worse method for advancing his objects, thereby giving him an opening to retract and amend his manners, if he is not so weak or so committed in some treasonable plot as to be past correction. Let the worst happen in that quarter, there would be good food for others in the spoils of the party, and I am convinced your Administration would be no less firm for the reduction to only a little, tight, well-fed majority, as Lord Shannon says. Sir Lucius would make a good easy Postmaster-General, and Sir Hercules Langrishe would be usefully removed from jobbing to the quiet perception of 1,200*l. per annum* in Mr. Burton's office, leaving to your Grace the disposal of a seat at the Revenue Board."

I had a short conversation with Mr. Pitt about the Chancellorship, but I see that he is strongly prepossessed in favour of an English lawyer holding that situation in Ireland; and seems to think it, therefore, advisable to make the arrangement as soon as possible, that Fitzgibbon may have the less reason to complain. I represented to him all the reasons which made you averse to any immediate change, but he was still rather fearful of the age and precarious health of Lord Lifford, and disposed to think that if a vacancy should happen within three or four years it should be filled by an Englishman, and that therefore it would be *wise* to settle the succession accordingly, without delay. The conversation was so short and interrupted, that I can hardly venture to report what passed as worthy of serious consideration.

I cannot help sending you my congratulations upon the event of Fitzgerald's trial. I as yet know few of the circumstances, but it would appear, from what I have heard, that this arch-malefactor lost his constancy and hauteur at the last, and was thrust out of the world with ignominious impatience by the officers of justice. His relations here had discontinued all intercession for a mitigation of his punishment.

I learn with very sincere concern that the disturbances in Munster do not subside. "The establishment of quiet and regular subordination to the laws can only be ultimately and permanently effected and maintained by the manifested determination of the principal gentry to risk their persons and immediate ease in preference to their property and their consequent distress. These are the alternatives, for if the gentle-

men will not by their presence and activity strive to repel the mischief at present, they will lose all power of influence for their own protection hereafter." It certainly behoves the Government to shew a vigorous resolution to crush the revolt against its authority, or at least to check it so far as to admit the interposition of more lenient measures. The army must therefore be employed, care being had to prevent the appearance of too much consequence in these disturbances, which might influence the malignant propensity of foreigners to interfere in our disputes. "This consideration should perhaps be remembered should it come in question to send a general officer with a force to impose obedience, and with that view probably to have the means of encampment instead of placing his men in quarters. I am glad to find that some exertions have been successfull, and I have comfort also in the vigor of your Grace's mind and principles to strike a terror by a rapid administration of justice. But the discouragement is sadly great from the nature of the magistracy and the instruments whom your Grace has to work with. I cannot wonder, after what passed in Parliament at the close of the session, that there should be instances of insolent darings on the part of the insurgents. The manner in which the subject of tythes came to be mentioned, and was afterwards spoken of, must be taken as an earnest of the inevitable discussion in the next session, unless some prudent and commodious arrangement may be settled in the interval. This is surely, of all others, the most desirable event, because it would tend most to bring these embarrassments to a lasting conclusion, and, I am convinced, would be of benefit not only to the Ministers, but to the Established Church. The bishops must *on all accounts* take the matter into serious consideration for the purpose of serious settlement. Will it not be well for your Grace to talk with the Primate and with the Archbishop of Cashel—Metropolitan of the South—upon the subject? There would be little to fear from the Catholic prelacy, or even priesthood, if the cause, real or pretended, of quarrel with the Protestant clergy was removed by a fortunate alteration in the mode of their proper stipends. The demands of further indulgences might be laughed at, for it is to be remembered that the grant of these additional favors would affect only persons in a higher class, and that the lower order of that communion cannot be interested in the success of their superiors, against whom they have conceived already a jealous disrespect. I have talked with Mr. Pitt on this serious chapter, and he is very truly a friend to some adjustment of this kind. He is anxious for some commutation to be made *here* in lieu of tythes, but is very sensible that it would be still of infinitely more material good consequence in Ireland, and he therefore warmly recommends the employment of temperate and discreet deliberation for this purpose in this interval."

Postscript.—"Lord Mansfield most wonderfully recovered, and laughing at the reports of his unfittness for business." *Marked* "Most private."

(Enclosure.)

W. B. Ponsonby to [Thomas Orde].

1786, June 2. Dublin.—Concerning his pretensions to a high office which he heard was shortly to be vacated, and complaining of ill-treatment by the Government in their opposition to his candidature for the Speaker's chair; and also claiming the merit of having withdrawn from that contest in favour of the Government candidate, on which occasion his conduct was as friendly and handsome as theirs had been the reverse.

RICHARD, BISHOP OF CLOYNE, to the BISHOP OF KILLALA, at Killala.

1786, June 25. Cloyne.—"The importance of my subject must apologize for the trouble of this letter. The situation not merely of tithe property, but of the persons of the clergy, the service of the Church, the whole ecclesiastical establishment, and the Protestant interest on which the safety of the Constitution depends, is truly alarming. Facts are the best evidence.

"In the dead of the night of Saturday, the 17th inst., the house of Dr. Atterbury, a dignitary in my cathedral, constantly resident in his parish, was surrounded by armed men—to the number of two hundred—who knocked violently at his door, and threatened to break it open if he did not instantly come to them. On his coming out, a gun was pointed close to his head, whilst they tendered to him an oath—which he was thus necessitated, on pain of death, to take—to demand, and even to *accept*, no more than the rates of tithe set down by them—about one third of the usual composition. The following Saturday night was appointed for their visit to Cloyne; but the messenger who carried their summonses, being apprehended by a neighbouring magistrate, their plan was for the present disconcerted; and by his Grace the Lord Lieutenant's goodness in ordering a part of the army to this place, I am relieved from all apprehension of personal insult. But, my Lord, there are now with me two of my clergy, who are disswaded by me from attending the duty of their respective churches on this day, which otherwise, at all risks, they intended to have done. One of them is Mr. Percival, a relation of Lord Egmont, beneficed by him, constantly resident, doing the entire duty in his parish in the midst of his Lordship's and Lord Arden's tenantry, and, for want of a glebe house, resident in the mansion house of the family. Yet these circumstances, favourable as they appear, did not protect him. The White Boys made him two visits, and appointed this day—Sunday—for a third, by a message to him at Cloyne to return home—near forty miles—to receive them. Fearing they would force a similar oath on him, I perswaded him to send an express to a neighbouring clergyman, not possessed of tithes, to officiate for him till he could return with safety to his parish, and to return to Cork, where his wife, who is on the point of lying-in, had before taken refuge. The other clergyman is Dr. King, collated last year to a prebend in my cathedral, where he proposes to erect a glebe house. He attended my visitation, and intended to return to his parish yesterday; but his road home is so infested by gangs of these insurgents, that, from an apprehension that he might be intercepted and forced to swear, I advised him to leave the duty of this day at least to his curate. Mr. Stopford, another prebendary in this church, a clergyman of exemplary goodness, and constantly resident, has left in my hands a written message, delivered to him and signed by fictitious names, declaring *by God they will make a public example of him if he does not stick to their rules.* These may serve as samples of the case of individuals; but the evil extends still further. At the Chapter, held last week at Cloyne, for the renewal of leases, the whole œconomy—a mere trifle excepted—consisting of tithes, no renewals were proposed, though several leases were expired; one lease was formally surrendered, and the Chapter cannot expect the full, if any, rents of the subsisting leases to be paid till these disturbances cease. The income of the œconomy being barely sufficient to provide for the repairs of the cathedral and the salaries of the choir men, and other inferior officers, the service must of necessity fall, which was revived by uncommon exertions of the present Archbishop of Cashel, when bishop of this diocese, and brought to such a degree of perfection as to be justly

esteemed a considerable improvement in the church, and, of course, one link in the chain of national improvement."

Such facts require little comment. They ought to be known to Government; and, in Mr. Orde's absence, being at a loss for the official channel through which to lay them before the Lord Lieutenant, I have taken the liberty of putting you in possession of them, not only in your episcopal character, but in order that you may communicate them to his Grace, or else advise what mode of communication I should adopt.

Postscript.—Since writing the above, I have an authentic account that Mr. Kenny, Vicar-General of the diocese of Cork and Ross, was obliged to leave his parish immediately after service on Sunday, the 18th, owing to information that one of his Protestant parishioners had been sworn by the Whiteboys to force him to conform to their rules.

JOHN TOLER to the DUKE [OF RUTLAND].

1786, June 29. Dublin.—I have before, through Mr. Hamilton, communicated to you the wishes of the gentlemen of Tipperary in reference to the Whiteboy disturbances, and now forward for your perusal the letter of a very sensible friend of mine on the same subject.

(Enclosure.)

E. M[OORE] to [JOHN] TOLER.

[1786,] June 25. Mooresfort.—Having taken time for inquiry and reflection, I will now tell you freely my sentiments with regard to our disturbances and the remedies which should be applied to them. "In spite of all we have done, or shall be able to do, my opinion is that we shall not succeed so far as to prevent an universal combination among the lower order of people throughout the southern and western parts of Ireland from taking place in a very short time; by which they are binding themselves to each other by the most solemn oaths and engagements, not to pay more than certain specified sums as dues to the clergy of *either* Church. This spirit of combination, which began in the counties of Cork and Kerry, is now spreading like wild fire throughout this country, and I suppose will travel eastward. The gentlemen, at least in this neighbourhood, have come to a proper sense of the alarming situation in which the country stands, and universally discountenance those proceedings. We are associated, and are resolved as far as in us lies, to support the laws, but the cunning policy which seems now to direct the steps of the common people will, I am afraid, elude every effort till their grand object be effected—*universal combination*. To elucidate by example; the county of Limerick gentlemen, as you have read in the papers, assembled at Murroe to prevent the parishioners of Galbally from swearing the inhabitants of that district to conform to their resolutions. They took some riotous fellows, who were in arms, lodged them in jail, and may possibly substantiate evidence against them, but they did not prevent the parish of Murroe from being sworn, and those latter fellows were bound by a similar oath to swear, on the next Sunday, the inhabitants of the town of Tipperary. This you may conceive to be a bold undertaking, in the face of the army quartered in Tipperary, the volunteers, and the country gentlemen, who were determined to oppose them. The experience acquired at Murroe, and the force we had prepared against them, made the fellows change their mode of proceeding. They came in small bodies and unarmed, and although we took many of them, and argued with and frightened others, yet they had private opportunities to swear many amongst a people who were as ready to

take as they to offer the oath, and the people, the lower class I mean, of the town and neighbourhood have since that day universally sworn one another. They speak more violently against the priest than they do against the parson, and are deaf to the remonstrance of gentleman or landlord. There do not exist at present, at least in this neighbourhood, any open outrages against law, and we cannot procure any informations which signify against the tenderers of oaths. Of course while the present disposition continues, untill matters come to an issue, I do not see that much can be effected, although a *Government proclamation* should make its appearance, or a *general Police Bill* be established.

"I have now . . given you an accurate account of the present state of this part of the country, which is much more easy to do than to point out the proper remedies which should be applied to our disturbances. Were only a small part of the community to be leagued against the remainder, severity and example might operate in its full force; but I am afraid the punishment of an offender will be considered in the light of martyrdom, and altho' justice should be fully gorged, that this country will only remain in a state of smothered war. Palliatives may relieve, but will not remove the evil. Corrosives may correct the part affected, but will not render the remaining parts of the body sound. I am at once for a cure which I should hope would prove radical—a commutation of tythes. Our clergy would be paid with satisfaction and certainty. Our peasantry would be eased of a burthen which lies too heavily upon their shoulders; and the kingdom would increase in agriculture and population. It may be said, allay the disturbance first and gratify the people afterwards. I should say so too were I not afraid of trying the experiment; for before, if ever, anything effectual can be done against this universal combination, the combinators must proceed to something further than they now propose. They are under oath to leave their tythes in kind unless a small value be offered for them; I take it for granted this will be done upon the same day in the several parishes. How can those tythes be drawn? Where will be the horses got to draw them? After they are drawn, may they not easily be destroyed, as happened lately to the Vicar-General at Cashel? In short, the contagion is spread very deep, and they have got upon such cunning grounds as will be very apt to baffle us, and, in the end, make us wish we had compromised the business at first. Concession, as Lord Chatham said upon the American war, comes with a better grace from the superior power. We are now that superior power, and concession will be considered in the light of a boon to the discontented inhabitants of this country. Do not think, my dear friend, that my ideas savour too much of despondency. I am inclined to think that we should eventually succeed by force, but I had rather, without having recourse to so disagreeable and dangerous an experiment, secure the affections of the common people and establish harmony throughout the entire kingdom by what strikes me to be a just and necessary step for Government and Parliament to pursue—the abolition of the tythe laws, and the substitution of some other mode in lieu thereof for the payment of the clergy." I should be glad that the country gentlemen and the Government should act in concert, "as I am certain there is necessity for the union of all honest men to extricate us from our present difficulties, for fear we should experience the times of Jack Cade, when a Lord, *which might not be the case now*, was put to death for being able to speak Latin." I had a letter sent me as commander of the Tipperary volunteers, in a style which proves that some other than a rustic hand composed its contents and directs the multitude. Do you think county meetings on the subject of tithes would be eligible to Government?

Dr. John Ekins to the Duke of Rutland.

1786, June 29. [London.]—You have made me the happiest of men by the appointment to the deanery of Salisbury. I came to town yesterday with the news of Dr. Noel's death, and Mr. Orde being out of town, I wrote myself to Mr. Pitt and informed him how eligible this preferment would be to me. I afterwards waited on Lord Sydney, who, a few hours after, informed me that the King had ordered my commission to be made out. The promptness with which the business has been done strongly indicates the Minister's zeal to comply with your wishes.

I am glad to hear from all quarters of the general approbation which your Government meets with. I hear from Lord Lothian that he hopes to see you soon in Ireland.

The Earl of Chatham to the Duke [of Rutland].

[1786,] June 29. Berkeley Square.—I hope to be in Ireland not many days after this letter. I am extremely glad to hear of your friend Mr. Ekins succeeding to the deanery of Salisbury.

M. E. Countess of Chatham to the Duchess [of Rutland].

[1786, June.]—Conveying an application to the Duke of Rutland from Lady Camelford for leave of absence to Lieutenant Raleigh Gilbert, of the 20th Foot. *Enclosed is a letter from Lady Camelford to the Countess of Chatham.*

The Duke of Rutland to Lord [Sydney].

[1786, June.]—Mr. Fitzgerald's trial "terminated in the clear conviction of that unhappy man, together with Brecknock, a Newgate solicitor, and five more accomplices. Fitzgerald, Brecknock, and one of his miserable instruments were executed on Monday night. Brecknock shewed the utmost fortitude, and preserved the originality of his character till the last. But all Fitzgerald's resolution forsook him, and he exhibited a picture of the most unmanly terror and the wildest despair that could be possibly beheld. He implored a suspension of his punishment from five minutes to five minutes till he delayed his execution for near two hours, and then passed into eternity with such indications of terror and dread as were the clearest evidence of his guilty conscience."

Your wishes in favour of Lord Errol afford me an opportunity to shew my readiness to oblige you. I hear a very good character of him, and shall be happy to promote his objects in his profession by recommending him for the purchase of a troop in the 5th Dragoons. "The quiet of the province of Munster still continues to be invaded by the *outrages* of the Whiteboys. I have stationed troops in the different parts which are most under their dominion, but without any great effect. But a very spirited exertion of an association of about forty gentlemen with their servants in the county of Limerick have attacked a body of above 2,000 of the insurgents, whom they put to flight, and took fifteen of their number. They are in possession of many arms, the happy effects of volunteering, by which the Popery and the beggary of Ireland are armed. I have called a Council, which is to meet to-morrow, in order to take the state of Munster into consideration; and I hope such

decided measures will be adopted as may restore peace and tranquillity to that extensive province. There is, however, in truth much oppression from the landlords to their tenantry, and the manner in which the tythes are collected is a real and substantial grievance to the poor." *Draft.*

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The Earl of Tyrone to the Duke [of Rutland].

1786, July 1. Curraghmore.—Sending a present of a sturgeon, a buck, and a salmon.

Thomas Orde to the Duke [of Rutland].

1786, July 1. Sudbury Green.—"The business of the session is now nearly at an end, but, I am afraid, is not likely to terminate so agreeably to all the friends and servants of Government as might have been wished. I doubt that Mr. Pitt has got into an awkward scrape, which will be very probably followed with the resignation of a principal colleague in office. Lord Sydney has, it seems—this I learn and communicate most confidentially—perceived at last and taken violent umbrage at the slights which are constantly put upon him. A circumstance, however, has happened which has given him so much discontent as to force him to the resolution of resigning in disgust. Unfortunately the Chancellor is very much involved in this unpleasant difference, and his temper, a little ruffled by the strange turn of Hastings's business, will, I should suppose, be blown up into rage and resentment on the present occasion. The whole of this is caused by so ridiculous a matter as Lord Stanhope's Election Bill, which Mr. Pitt has strongly supported, and now carries through the House of Lords in spite of the remonstrances of the Chancellor and Lord Sydney, who had last year thrown it out. It is an unlucky additional grievance that a sort of advantage should seem to be taken of the Chancellor's illness, and this measure hurried through in his absence with the single protest of Lord Sydney. I expect every instant to hear of his having thrown up his employment. I cannot tell into whose hands the seals will be transferred, but I suppose into Jenkinson's. Yet it is whispered to me that Mr. Pitt does not chuse to have him in a situation to give him a seat in the Cabinet. I passed half an hour with them, however, three days ago, and they appeared to act with great cordiality, and Jenkinson with much good humor." *Marked* "Most private."

The Marquess of Lothian to the Duke [of Rutland].

1786, July 4. Whitehall.—I will ask His Majesty's permission to-morrow to go to Ireland, and expect to leave London about the 13th. I suppose by this time Lord Chatham is with you.

Edmund Stevens to the Duke [of Rutland].

1786, July 4. Walton.—On private affairs.

The Earl of Hillsborough to the Duke [of Rutland].

1786, July 5. Hanover Square.—Expressing regret that, being under medical treatment in London, he is unable at present to name the exact time when he can have the pleasure of receiving the Duke at Hillsborough, and asking that his patent of the Register's Office, with Lord Fairford's life added, may be passed. Requesting also that he may be allowed to nominate to various small offices vacant in the county of Down.

The Duke of Rutland to [Thomas Orde].

[1786, July.]—I am very reluctant to trouble you with letters, lest the fatigue of answering them should in any degree retard your restoration to health. Your last, however, gives me confidence that you are beyond danger of a relapse.

Sir Lucius O'Brien talks of visiting England. I hope you will be able to arrange for him to his satisfaction. I cannot urge you to it by a stronger motive than that my honour and faith are pledged to propose some object with which he ought to be satisfied. If Pitt can settle with Lord Mornington, I have no wish to embarrass him about the vice-treasurership, but Lord Mornington also has a pledge which I cannot see broken. The grant of the two peerages is one which I have much at heart. I hope none will be created without the performance of the engagement which the King permitted me to make to Lord Tyrone and Lord Shannon.

"I must stand my ground on the subject of the Irish Chancellorship. Lord Lifford's health is very good. He is very competent and very zealous, and I am persuaded his loss would be felt in the Four Courts, and at the same time I cannot sacrifice Fitzgibbon. He deserves all I can give him, and I shall fling every obstacle in the way of any arrangement which is to preclude him. For the interest of my Government his succession is essential, and, in truth, I am anxious to establish a powerful and a permanent influence in this country, which may serve me even when I quit the Government; and this can only be done by attaching with essential favours, and by bringing into the most important offices, the best abilities and the most powerful connexions in the country. While I am in the Government, the Chancellor must owe his station entirely to me. This is a delicate thing to avow. But I have no secret that can relate to my situation here separate from you. Mr. Ponsonby's letter is very intemperate, and unpardonable. He certainly must not be allowed to establish his claims upon such pleas, or to hold a language—which we must for an instant acquiesce in—as if we had been the aggressors, as if he had received the injury; but I would not quarrell with him for *words* unaccompanied by *actions*. The good humour with which we have treated everybody, and which has had its effect, may still be preserved even in this case; and he may be told that this is an instance among many others, where people draw the *exact opposite* conclusions from the very same premises. I wish all our engagements could be done away before the meeting of Parliament, that we may begin on new scores. Beresford tells me that the revenue will be very productive. In that case, if we can go on without applying to Parliament, we need fear nothing. I am the last man to fling away the publick treasure wantonly, but we are not to be such rigid observers of œconomy as not to secure our ease and make good our private faith from the apprehension of an exceeding —— so much for Ireland.

"Pulteney is here, stating his constant attendance, and theuse he could be of to Pitt if he were employed. I believe it to be true. Pray press

Pitt to give him something to relieve me from importunity and from expence. He has talents and industry, and he might, I think, be turned to advantage."

I regret "the accounts you send me of the disunion among His Majesty's servants. I always conceived that Lord Thurlow would recoil at Mr. Pitt's vote in Mr. Hastings' impeachment, and if there be not the best understanding between the Chancellor and Pitt, it may have very fatal consequences. Nothing but such an event, [or] the King's death, or an unsuccessful war, could weaken the existing Government and give a triumph to its enemies. I have always supposed that the King's principal predilection is to Lord Thurlow, and if he could *do without Pitt perhaps he would* not scruple to sacrifice him. Personally, Lord Sydney's separation from the Cabinet does not weigh a feather, but from a single stone being pulled out the wall is always rendered the weaker. I suppose, in fact, Mr. Pitt cannot essentially be affected by anything; but I trust he will always inform [me] in time of his most secret intentions, as I can never have a thought or view in politicks separate or distinct from his interests and his fortunes. At a proper period you will say this to him. I can scarcely believe the King himself to be perfectly satisfyed about Pitt's vote concerning Hastings. What is the real story of the diamond? Pray write me all you know of the matter. I trust you never see or write to Lord Lansdown without assuring him of my sincerest regards being ever invariably his."

COLONEL GEORGE Y. KENDALL to the DUKE [OF RUTLAND].

1786, July 9. Paris.—Informing him of the particulars of Lord Northington's illness and death at Paris, and expressing anxiety to know if the pictures, gun, and other articles which he had sent to Dublin Castle had arrived safely.

LODGE MORRIS to the DUKE [OF RUTLAND].

1786, July 10. Maryville.—I have "laid before you occasionally some sketches of men and things, which you have corrected and improved by observation into a system that I will be bold to say is superior to that of any of your predecessors or their secretaries, and will stand the test longer for developing the political history of Ireland.

"Whilst it shall be necessary to govern these countries through the medium of Parliaments, the interests and the desires and wants of the principal people must be a science of consequence and utility. That the same has been totally misunderstood is certain, but it has also been perverted. Little things have been done for men who could serve the Crown in Parliament and in the country, and great things have been done for those who could do neither."

Whenever I have addressed you, "I have uniformly acted on one principle, which has been to lay my heart upon the table and exclude every other consideration but your interest and honor. I have laid before you the knowledge I have been endeavouring to acquire for upwards of sixteen years, with advantages in the pursuit which no other man in Ireland could boast, 'that of being allied to and living with the principal people whom I wanted to study.' And I think I can now say that there is not one man of consequence who resides in Ireland whose connexions, fortune, and incumbrances, wants and foibles, parliamentary interests, estimation in the country, and public character with which (*sic*) I am not acquainted."

"I request you will cast your eye over the lists of the minorities of last session, and reflect that something should be done against our next meeting, either in the way of retaining those you have, in good humour and zealous support, or to cast about for auxiliaries. There is not one man about you who knows anything of the matter, and . . I can assure you that dissatisfaction is gaining ground."

The Earl of Tyrone to the Duke [of Rutland].

1786, July 11.—Enclosing a letter of invitation for Lord Chatham.

Viscount Lifford to the Duke [of Rutland]

1786, July 11.—As my sittings in Chancery afford me no choice in hours, I am obliged to call on you thus early. I should be proud if you and Lord Chatham would dine with me on Friday or Saturday, at Stillorgan.

The Duke of Rutland to the Earl of Hillsborough.

1786, July 12. Black Rock.—The opportunity I shall have of paying my respects to you is one of the principal objects of my intended progress in the North. I shall have the advantage of visiting improvements which reflect such credit on the judgment of the improvers, as well as afford a noble example of the best species of public spirit. I shall not set out until the middle of August. *Draft.*

Sir Joshua Reynolds to the Duke [of Rutland].

1786, July 13. London.—"In regard to the Venus, the Duke of Dorset is to have it, not for himself, but for a French marquis, whose name I have forgot; he is to give me 400 guineas for it. I have since done another with variations, which I think better than the first; but I am not fond of shewing it till the other is disposed of."

Thomas Orde to the Duke [of Rutland].

1786, July 13. London.—On coming to town yesterday to speak to Mr. Pitt about your letter of the 8th, I was not a little surprised to find that a sudden resolution had been taken to create a few peerages; but was mortified on being informed that Lord Tyrone and Lord Shannon were not to be included in the list. I urged in vain every argument I could bring to my aid against this decision. Mr. Pitt, though warmly disposed to meet your wishes, alleged in reply the difficulty caused by the recent great increase of the British peerage, and also that Lords Shannon and Tyrone had not been led to expect such an early fulfilment of the promises made to them. I have made another assault on him this morning, and I hope with better success. I represented the mortification which you would suffer if your engagements were to be postponed in favour of others less urgent, and the bad effect it would have on the persons you wished to oblige. *Marked* "Most private."

The Same to the Same.

1786, July 14, Friday. Sudbury Green.—I cannot find instructions in your letters as to the titles desired by the two Irish noblemen on whom British peerages are to be conferred, but have ventured from

memory to tell Mr. Pitt that Lord Tyrone wishes to take his Irish title, and Lord Shannon that of Carleton. Mr. Pitt wishes you may be able to accommodate him by including two or three Englishmen in the next creation of Irish peers. I pressed hard for his dispensing at least with the condition of *next* creation; but he desired me to mention the matter to you immediately, and to inform you that it may concern you, "because one of the persons intended to be recommended may possibly make room for an arrangement in favour of Lord Mornington, which would relieve you from him. This is Mr. Aubrey, who is a Lord of the Treasury. The other is, to be sure, a more objectionable name, but being asserted to be as good and generous a Christian as any the best friend of his Government, Mr. Pitt is extremely anxious to gratify him, namely, Sir Sampson Gideon."

"I believe that any idea of change in Government is for the moment suspended. Lord Sydney and the Chancellor succeeded in despatching Lord Stanhope's Bill, and that triumph seems to have tranquillized the former of the two at least." The vote upon the Hastings business must have given displeasure in a certain quarter, but the worst effect strikes me as arising from the opinion of evasion which it has excited, and of a reserve for the purpose after all of relieving the delinquent from all punishment or censure.

"The story of the diamond I really suppose to be a very simple matter, which is, as any other possible subject would be, taken hold of to insinuate connection between the Court and Mr. Hastings by the means of corruption. I really believe that the packet happened to come at this unlucky moment, and that the contents or value of them were unknown, as the Nabob's signet had never been broken open till it was put into His Majesty's hand."

Another matter has created a great deal of rumour. "Lord Rodney has chosen to vapour in a most ridiculous manner about the disposal of papers which he had sent over upon the taking of St. Eustatius as containing *evidence of treasonable practices against certain persons*, and for the information of His Majesty's Ministers in a political light alone."

"With respect to our friend Lord Lansdown, against whom this was particularly directed, both by Lord Rodney and Mr. Knox, who, I have no doubt, was the great fomentor of the mischief, for the other could have no concern but about his own responsibility, Government has certainly been inattentive in suffering a matter of this sort to be introduced in such a way, contrary to all order in a House of Parliament, and to be quietly proceeded in without a remark or attempt at explanation. In fact, however, it is a contemptible business, and can only turn to the greater disgrace and ruin of Lord Rodney, and to the severest measures which may or ought to be taken with Mr. Knox. This gentleman has infallibly perjured himself—this, of course, is most confidential—for he has sworn that the new Ministry liberated Curzon and Gouverneur in 1782, against whom there were charges of high treason, and that on that account he—Mr. Knox—was aware all the papers would be given up, and therefore after *secretly* taking out of the boxes the most important, he abandoned the care of the rest to Mr. Pollock, without any intimation of what he had *dared* to do." The real history is this, and it is curious: "Curzon and Gouverneur were released from custody above a month before the change of Ministry, and the warrant for their discharge was signed by *Lord Bathurst* as President of the Council, so Mr. Knox's whole story is demolished by his swearing to a demonstrable falsehood. And again, Mr. Pollock can prove that Mr. Knox never had access to the papers from that time, so that they must have been secreted before,

and his insinuation of distrust of the new Government is merely an impudent lye." "Lord Lansdown is, however, very angry at the seeming dereliction of him by Government and their acquiescence under an implied charge against him." I perceive also that his mind is soured upon other accounts. I am sorry for it. I cannot think it wise to let such impressions take root. He has no desire for official employment, or to compete with anyone; but he expects attention, and, through the influence of jealous enemies, is exposed to slights. He wishes truly to be a friend to the present Government.

"I feel everything which you do about Fitzgibbon, but I must venture to say a word about the idea of establishing a powerfull and permanent influence in the country, with the hope of its being of use to you when you shall have quitted it. Knowing well that your Grace does not think of this with any personal view, which may possibly clash with the existing Government, I am afraid there are but few indeed who will retain a proper sense of particular favor whenever new systems and new intrigues shall be formed and pursued. I can conceive no advantage to be derived to your Grace hereafter equal to the conscious reflection of having acted with decided earnestness for the good of the country, the honor of His Majesty's service, and the just consideration for deserving individuals." "It must always be right to place the best abilities and most powerfull connections in the most important stations, but I hope your Grace will not hastily suffer yourself to *depend* upon other return than that of general regard and good report. The principle of self-interest is superior to all others in that country, and the conflicts would be few and weak between recollection of benefits and the necessary means to obtain fresh favor from whatever quarter."

Mr. Pitt listened favourably to your requests that Mr. Pulteney and Mr. Thomas Sutton may be suitably provided for. I will see the Chancellor about the living near Belvoir. I have confident hopes he will oblige you in a matter which affects you so closely, but you know "what an odd composition he is." *Marked* "Most private."

* W. Pitt to Thomas Orde.

1786, July 14.—[*Correspondence, p.* 149.]

Thomas Orde to the Duke [of Rutland].

1786, July 17. Sudbury Green. — The enclosed from Mr. Pitt reached me yesterday, and I wrote an immediate answer, copy of which I also enclose. I perceive by the *Gazette* that no other peerage but Mr. Jenkinson's has yet been conferred. I am sorry that even one should have appeared before the wishes of Lord Tyrone and Lord Shannon had been gratified. I trust that what I have written to Mr. Pitt on the subject will meet with your approval, and anxiously hope for a favourable decision.

"The Prince of Wales's resolution is a striking measure, but if it was a scheme of party to throw reflexion on the King and to raise the credit of the Prince, at the expence of His Majesty, it has not answered." *Marked* "Most private." *Enclosed is a press copy of a letter from Orde to Pitt, dated 16th July* 1786, *pressing the claims of Lords Tyrone and Shannon to English baronies.*

The Earl of Mornington to the Duke [of Rutland].

1786, July 18. Brighthelmstone.—I suppose you are thinking of your journey to the north of Ireland. "I hope you may not be called to the

south to command the army. If the papers do not exaggerate, I should think Captain Right's activity and strength had by this time rendered the interference of the army absolutely necessary. There is no news here of any sort. People talk much of the Prince of Wales' reform, particularly in this spot, which he has chosen as the place of his retreat. Mrs. Fitzherbert is here, and, they say, with child."

CAPTAIN A. P. MOLLOY to the DUKE [OF RUTLAND].

1786, July 18. Gilbury, near Southampton. — Concerning hopes, deferred during more than two years, of an appointment through the Duke's recommendations to Mr. Pitt.

* W. PITT to the DUKE OF RUTLAND.

1786, July 19. Downing Street.—[*Correspondence, p.* 50.]

The EARL OF TYRONE to the DUKE [OF RUTLAND].

1786, July 20. Curraghmore.—Having written to Mr. Sheridan, at the desire of the High Sheriff and some of the magistrates at the west end of this county, requesting an order to the troops at Tallow to assist if called upon, I write this in order that you may not think the disturbances are getting to a greater height than they really are. "The fact is that people are alarmed; that there has not been any outrage, but that there have been meetings in some parishes and oaths administered and taken by the lower order of parishioners, and, I fear, countenanced by many of the better tenantry; that in other parishes they talk of meetings, and that members from a distance threaten to come and administer these oaths, but I have not yet found anything of that kind has been been done. Certainly the ideas which have got among the people are of a very unpleasant nature, easily to be traced, and owing to a variety of concurring circumstances; and can only be got rid of by an uniform regular system, and will require time, vigor, and moderation."

[C. F. SHERIDAN] to the DUKE [OF RUTLAND].

[1786, July.]—Concerning a letter from the Commander-in-Chief, General Pitt, objecting to carry out an order transmitted to him from the War Office to move two troops of cavalry from the north of Ireland to the town of Listowel. *Draft or copy.*

The DUKE OF RUTLAND to [THOMAS ORDE].

1786, July 20. Black Rock.—*Draft, marked* "Most private." [*Correspondence, p.* 153.]

The DUKE OF RUTLAND to W. PITT.

[1786, July 24.]—"I have received your letter with infinite concern. I can state nothing in addition to what I wrote to you last week. I cannot presume to controul you in an act which may involve your English Government. At the same time it is but fair to say that I do not see how I can conduct the administration of the King's Government in this country with any prospect of future success if this matter

be not accomplished. The principle of a strict observance of faith is what I have endeavoured to establish in spite of every obstacle, and in an instance like this, where the two most zealous and honourable supporters of my administration are concerned, I will not commence the breach of it. It is true no specifick period was mentioned for the completion of this object, but it was certainly understood that when any large creation was to take place these arrangements would form a part in it. You cannot, I trust, doubt of my zeal and my attachment to the welfare of your administration, and of my anxiety at all times by any concessions on my part to contribute to its ease and its prosperity. But there is a personal credit which must likewise be maintained, without which my power of serving you would be rendered useless. I will urge you no further nor enter more particularly into the question. I still hope this business will yet be happily accomplished, and that I may still continue in my station creditably to myself and usefully to the Empire." *Draft.*

Thomas Orde to the Duke [of Rutland].

1786, July 24. Sudbury Green.—I have not heard again from Mr. Pitt on the subject of the peerages. I have done everything in my power, and have only to add that you must persevere, and I am confident you will carry your point. "I have been very earnest in my representations to Mr. Pitt about the great probable objects of the ensuing session, particularly the state of foreign treaties. I have also talked much with *Lord Hawksbury* to the same purpose, and I hope that no delay of consequence will be made before your Grace will receive a full communication upon these essential articles." My health has suffered from a fresh attack of nervous weakness. Sir Richard Jebb advises me, instead of going to Bath, to cross the sea and pass five or six weeks at Spa.

The Earl of Hillsborough to the Duke [of Rutland].

1786, July 25. Hillsborough.—On my arrival here, I found your obliging letter. I am much honoured by your intention of visiting this place, and will do all that I can to make it not disagreeable to you.

James Byres to [the Bishop of Killala].

1786, July 25. Rome.—"I am glad that the Duke has got a fine Velasquez. They are very rare to be met with. I do not recollect to have seen that which belonged to the Baillie de Breteuill, but shall perhaps be able to get some account of it, which I shall not fail informing you of. That you mention in Rome is in the Doria Panfili Palace. It is likewise a half-length sitting; has been a very fine picture, but has suffered by the finishing and glazing being rubbed off in cleaning. I had about twenty years ago almost a duplicate of it, which came from Donna Olimpia's country house near Viterbo. It now belongs to Lord Bute, and is at Luton. It's a true picture of the master, and in fine preservation." "I have disposed of my collection of ancient gems to the Empress of Russia for 3,000*l.*, which I have received along with a most gracious letter. It was certainly one of the finest collections in that way I have seen, and I am happy to find that Her Imperial Majesty is sensible of it."

S. Hamilton to the Duke [of Rutland].

[1786, July 26?] Wednesday morning. Dublin Castle.—I have just received a letter from two justices of the peace at Tarbert with informations on oath that a thatched stable, in which were ten horses of the 9th Dragoons, and also a house fitting up as a stable, were set on fire, and entirely consumed. This is believed to have been done by Whiteboys.

[C. F. Sheridan] to the Duke [of Rutland].

[1786, July 26? Dublin Castle.]—Giving a detailed account of the outrage at Tarbert, and suggesting military precautions against a repetition of it.

D. Pulteney to the Duke [of Rutland].

[1786, July 28,] Thursday morning. Holyhead.—I cannot neglect to return at the earliest opportunity my acknowledgments for the favours with which we were honoured in Ireland. "Lord Chatham's distinctions and honors at Dublin *were felt by him* during our whole passage."

The Earl of Tyrone to the Duke [of Rutland].

1786, July 29. Curraghmore.—"I find with great concern that the inhabitants of Tipperary have come in multitudes to the chapels of this county to administer oaths, and are spreading further every week. I shall think myself fortunate if I can get sufficient evidence to convict some at the next assizes. It is difficult, but I do not despair. I thought it right to send the particulars of what passed last Sunday to Mr. Hamilton that you might see the exact state of things."

Thomas Orde to the Duke of Rutland.

1786, July 29. Sudbury Green.—"I saw Mr. Pitt yesterday, and again urged in the strongest terms the immediate performance of the engagements in favour of Lord T[yrone] and Lord S[hannon]. I hope that I left him in a perfectly good disposition to accomplish this object, although he still expressed much concern on the occasion, and much apprehension of the inconveniences which would arise from it. He said, however, that he would speak to the King about it, and entirely agreed that if it was to be done at an early period it should be done forthwith. Your Grace's letter convinced him of course of your determined adherence to the promise you had been authorized to make." "A vacancy has happened in the Treasury by the death of Mr. Buller. I should have supposed that it would have been filled up by Lord Mornington, but I now hear of an arrangement which is to make further provision for Mr. Jenkinson, to whom the peerage with the former possession of 5,000*l. per annum* for life from Government gives not sufficient establishment. I have often thought that Mr. Pitt wished to avoid the introduction of him to the Cabinet, and therefore still appeared reluctant to give him ostensible office. This went particularly to that of Secretary of State. The Board of Trade might have been managed without that consequence, but it seems to be abandoned. And now an office of mere emolument and no business is to be purchased for him," and he is "to have a seat in the Cabinet. He is to be Chancellor of the Duchy of Lancaster." *Marked* "Most private."

FREDERICK TRENCH to the DUKE [OF RUTLAND].

1786, July 30. Heywood.—Expressing his wish to shew the Duke the tablet of Portland stone bearing his Grace's arms, to be erected in the Public Rooms, and also referring to his designs for Rutland Square.

The EARL OF CHATHAM to the DUKE [OF RUTLAND].

1786, August 1, Tuesday. Berkeley Square.—"The flattering prospect we had of a short passage to Holyhead soon vanished, and we were near four-and-twenty hours getting over. I arrived in town early on Sunday morning, having had full time in a tedious journey through Wales to do penance for all the hospitality of *sweet Ireland.* My brother came to town yesterday, and I had a good deal of conversation with him on the subject I left you so sollicitous about. I found him, though very anxious as far as your wishes went to comply with them, yet very averse to creating the two lords in question peers of England, for fear of its opening the door to further applications from your country, and wishing that the idea of creating them marquisses should be renewed. I stated to him, however, the painful and difficult task that must be to you, and urged to him, in consequence of what you had said to me, the infinite advantage that would result from their immediate creation in their proper place in the present batch—which is not yet in the *Gazette* from some delay respecting the Scotch peers—and from doing *that* handsomely towards two men zealously attached, *now*, which probably must be done hereafter with half the grace, and most likely subject to greater inconvenience. I think upon the whole he seemed to feel the force of your sentiments on this business, and I hope I have left him determined to recommend their immediate creation. This I state as a *private* communication to you, and wishing sincerely you may hear of the resolution being taken from authority before this may reach you, which I send by the post."

Buller is dead, and I rather fancy Lord Mornington will go to the Treasury. I am just setting out for Weymouth to resign my house to Lord Lansdowne, and shall proceed in a few days to Somersetshire to protect my woods.

R. ARCHBISHOP OF ARMAGH to the DUKE [OF RUTLAND].

1786, August 1. Armagh.—Hoping to receive a visit from the Duke during his progress in the north of Ireland.

The EARL OF TYRONE to the DUKE [OF RUTLAND].

1786, August 3. Curraghmore.—I have an account that the Bishop of Derry is in so wretched and emaciated a state, that we shall hear of his death in a very little while. Let me mention to you that the transference of my brother, the Bishop of Ossory, to the see of Derry is an object which, on many accounts, I have greatly at heart.

The EARL OF HILLSBOROUGH to the DUKE [OF RUTLAND].

1786, August 3. Hillsborough.—I shall be glad to know the exact time when you intend to honour my little cottage with your presence, lest I should be out of the way. I am sorry to hear that the Duchess does not accompany you in your northern tour.

The Duke of Rutland to the Archbishop of Armagh.

1786, August 3. Black Rock.—"I have received your Grace's obliging invitation to Armagh with much satisfaction. The prospect of paying my respects to your Grace forms a principal object in my intended tour, where I am to view improvements which do honor to your Grace's judgement and the magnificence of your spirit, and at the same time afford a national example and are of real national advantage. I propose to commence my journey about the 16th of the present month, unless the increasing disturbances in Munster should oblige me to defer it. It has occurred to me that the continuance of these commotions might even render it necessary to call the Parliament forthwith to pass some law for the purpose of suppressing them. I have directed Mr. Hamilton to write fully to your Grace on this subject. It is in vain for Government to temporize with an evil which is growing to a very dangerous and alarming size." *Draft.*

Frederick Trench to the Duke [of Rutland].

1786, August 4, Friday evening. Dublin.—Referring to his work in the improvement of Dublin, and asking for a vacant appointment in the Stamps Office.

(*Enclosed.*)

Rutland Square.

An estimate of the expense actually incurred in forming Rutland Square, the principal sunk being 8,995*l.*

Thomas Orde to the Duke [of Rutland].

1786, August 4, Friday. London.—"I can at last congratulate your Grace upon the success of your object in favour of Lord Tyrone and Lord Shannon. Mr. Pitt dined with me yesterday in the country, and acquainted me that he should speak to the King this day, and had not a doubt of being authorized to order their patents to be made out." I am in town for the purpose of paying my duty at St. James' on account of the extraordinary affair of the attempt to assassinate the King. I am very glad to find that after the strictest enquiry, there is no doubt as to the woman's insanity. I hope the Prince of Wales will feel and obey an impulse to come to town and wait upon the King. There was a great concourse of courtiers, old and new, at the Levée this day, and the King appeared in unusual good spirits.

It seems that a custom has been permitted of allowing all persons to present memorials and petitions to His Majesty upon his descending from his carriage, and the crowd is sometimes so great as almost to obstruct his entrance to the royal apartments. This will be prevented in future, but I take it for granted that in other respects the King will appear in public as before.

I hoped that you would have been relieved of anxiety about the Whiteboys; but I assume that you will now carry your plan respecting Lord Luttrell into execution. I doubt not that he will succeed, as he will probably act with spirit and discretion. "I have hinted Saltash for him, but as yet have no answer."

I am making progress towards recovery, but Sir Richard insists upon my going to Spa before returning to Ireland. *Marked* "Most private."

The Duke of Rutland to Lord [Sydney].

[1786, August.]—I must add to my official letter a few private lines upon the late desperate attempt. "We cannot too much adore the divine Providence, who had compassion upon us and upon the State, in averting calamities so fatal, and at a period so critical, from overwhelming these kingdoms in the dreadful confusion which must have ensued. The personal attachment I bear my Sovereign, as well as the duty I owe him, renders me an anxious participator in all the horror which must have been inseparable from such an attempt; and I trust no part of His Majesty's dominions can feel more devoted on this occasion than the kingdom of Ireland." *Draft.*

Henry Dundas to the Duke [of Rutland].

[1786,] August 6. Edinburgh.—A letter from my nephew has conveyed to me your wishes that I should meet you in the north of Ireland. I regret I cannot do so, as I set out to-morrow on a long-deferred excursion to the ports in the north of Scotland; but I still hope to find an opportunity of visiting you in your own dominions.

George Hamilton [Baron of the Exchequer] to [S. Hamilton].

1786, August 6. Hampton.—Hoping that the Duke will be able to visit him and see the works at Balbriggan.

Viscount Clifden to Sack[ville Hamilton].

1786, August 6. Gowran.—"We are all quiet as yet in this part of the country, but I fear will not continue so long. I had the priest of my parish with me yesterday, who told me they are rising and swearing whole parishes in the Queen's County and at Carrick in the county of Tipperary. I have desired him this day to exhort his congregation to behave quietly and not to give into any illegal combinations, and that if they did, I had authorised him to declare I would enforce the laws against them. I shall go to Bushe to-day to concert means of keeping Thomastown and about that side of the country in order. By a little exertion we may check it, which it has not hitherto been with effect, but is running like wild fire from parish to parish, and if it is found practicable by the lower order of people that they can draw the whole kingdom into any combination on oath—let it be ever so trifling—it may have serious consequences. Those who have risen in the county of Tipperary, and indeed elsewhere, declare that they are encouraged by people of consequence. If I find they stir in earnest here, I shall write to you for an order for the army, but I will do all to prevent it, without troubling his Grace on that subject."

Robert Hobart to the Duke of Rutland.

[1786,] June [*i.e.* August] 9.—After various examinations and consultations in regard to Mrs. Nicholson, it seems agreed on all hands that she is insane. The difficulty is what to do with her. Some think she ought to be shut up for life and considered as incurable; others are of opinion that she must be first tried and that then a statute of lunacy must be taken out against her, when she may be confined without infringing the

liberty of the subject. "I am this instant returned from the Levée, which was exceedingly crowded. The Duke of Portland, Lord North, Burke, and all the leaders of Opposition in both Houses, Charles Fox excepted, were there—to congratulate His Majesty on the most providential escape which he and his Ministers have experienced. The Prince of Wales went to Windsor as soon as he heard of the attempt, and supped with the King and Queen; he has not been at Court since he dismissed his establishment. I heard this day that Lord Radnor is gone abroad, pretending that he is much distressed in his circumstances on account of the immense sum of money he has lent the Prince. My authority is not particularly good. Mrs. Fitzherbert and the Prince are at Brighthelmstone. Most people are inclined to think that the connection has been fastened by a ceremony which has quieted her conscience, but nothing sufficiently serious to affect his future situation. Mr. Orde was at the Levée to take leave on his going to Spa. He looks a great deal better, and appears in very good spirits. Mornington was also there; he told me that Lord Walsingham is appointed embassador to Spain. A vice-treasurership therefore becomes vacant. Mr. Buller's death vacated a seat at the Treasury. Mornington is ripe for either. I wish your Grace joy of Lords Shannon and Tyrone's peerages."

"Napper Lord Tandy's protest against Lord Chatham's freedom was extremely comical. I supposed he protested as a sheriff's peer, which by the by he is not. I hope your Grace will have an agreable tour, and as Bob Uniacke is not to accompany you, it will most likely be a peaceable one."

Lodge Morris to the Duke [of Rutland]

1786, August 9. Sackville Street.—Protesting that as the Duke was not favourable to the idea, all his wishes for the honour of being a member of the Privy Council have vanished.

Colonel George Y. Kendall to the [Bishop of Killala].

1786, August 9. Paris.—Expressing his regret that the biscuit china trees he sent to the Duchess of Rutland had been broken on the journey, and promising that Jones, the Duke's cook, should be put in the way of receiving the best instruction.

Memoranda [by Thomas Orde].

1786, August 10.—

Sir Lucius O'Brien.—I am satisfied he would have no objection to Lord Clermont's office, and I am also persuaded that he would not object to the Hanaper, if it were understood that in case of an opening he might exchange it for a better employment. He seems to think the Duke had given him reason to hope that no other person stood in his way to the Mastership of the Rolls. I showed him that this was impracticable. He will see Mr. Pitt, but I have prepared him to expect that Mr. Pitt will only carry out what the Duke may think proper to recommend. I left him with an assurance of the Duke's firm resolve to find him a situation; but he was a little impatient about time.

Vice-treasurership to the Duke of Leinster.—I have reason to believe that Lord Mornington will be provided for here, and will prefer a situation of less rank and emolument in this country to one of much higher in Ireland. In that case the vice-treasurership might be open

the for Duke of Leinster. But as no promise has been made to him, Mr. Pitt considers himself free in the matter; and the vice-treasurerships are wanted here for the remuneration of a Committee of the Privy Council for Commerce. I will, however, press the Irish object on Mr. Pitt.

New Geneva.—I thought these buildings had been finished long ago. I suppose Mr. Cuff must view them and report, and advertisements must be prepared, stating the tenure, conditions, and other essential circumstances. These should be first privately communicated to Lord Tyrone and Mr. Bolton.

Mr. Richards.—I am afraid we must grant him a pension equal to the emoluments of his office.

Mr. Cavendish and Mr. Jocelyn.—"If my Lord Lieutenant has no objection to the sum to be given to Mr. Cavendish, this may be settled, and a very good young man provided for, and a family deserving well of Government highly gratified. We shall, to be sure, be scourged for this extravagance, yet we cannot help it, and must only fight this battle and save ourselves in future from such necessity."

Mr. Dawson.—I will try to see him to-morrow. *Marked* "Secret."

The Earl of Hillsborough to the Duke [of Rutland].

1786, August 12. Hillsborough.—Thanking the Duke for attention to his requests.

Lord Sydney to the Duke [of Rutland].

1786, August 12. Whitehall.—I laid your letter before the King, who commands me to express his gracious acceptance of your attachment and respect. His Majesty was much pleased with your letter. He is perfectly well, and in high spirits. "This is a private letter in every sense, and therefore I venture to say that the account in the papers of a certain visit at Windsor contains many falsehoods. The Queen pressed His Royal Highness to go to the King, and the King sent him word that he would see him." *Marked* "Secret and separate."

Thomas Orde to the Duke of Rutland.

1786, August 12. Sudbury Green.—To-morrow I set out for Spa; very thankful for your ready permission. I saw Mr. Pitt yesterday, and had much conversation with him upon several subjects. Lord Mornington "has accepted the vacant seat at the Treasury Board, and, as I learn, deems himself very happy in not having any longer the necessity of putting a constraint on his feelings by consulting and acting in concert with Lord Earlsfort and the Archbishop [of Cashel]." I take it for granted that he will write to you. I took occasion to lay a foundation for the disposal of a vice-treasurership to strengthen your Government. I mentioned your ideas about giving the office to the Duke of Leinster, which accord much with those entertained by Mr. Pitt, but he could not give me much encouragement to hope that this object would be accomplished. I told him, however, that he must expect to hear from you upon it. The new plan now adopted for the management of the business of trade and commerce is the difference and difficulty. "A Committee of Council is to be established for this purpose—of whom Lord Hawkesbury and Mr. William Grenville are to be chief members, and necessarily of the *quorum* in all proceedings. They are to have no salaries, and consequently to be provided with lucrative sinecure employments. The

vice-treasurerships, therefore, will be wanted here for this, or for the Board of Controul already established upon similar principles. Lord Hawkesbury is to have the Duchy of Lancaster—not for life. Lord Clarendon is to return to his old station at the Post Office, upon *the resignation* of Lord Tankerville. I am informed that this step is taken in consequence of a disagreement between the two present postmasters."

"I thought it now adviseable to say something to Mr. Pitt about the creation of Englishmen to be Irish peers, and particularly mentioned your objections and apprehensions about Sir Sampson Gideon. He said he was very much concerned at this information, and the more because he had *absolutely promised* Sir Sampson to recommend him, *if any Englishmen* should be advanced to the Irish peerage. I am afraid that Judaism will not be admitted as an obstacle to his success, for Mr. Pitt observed that *he* had never been a Jew, and that he *had been* member for a county, and of course a good candidate for the peerage. Sir Sampson has taken a ridiculous step to remove some part of the prejudice against him. He has applied for leave to change his name to Eardley, but has made it but a *half* measure, for the cloven foot is sadly exposed by the preservation of *Sampson*. I do not know what can be done. The great object must be to gain delay, so as to have one more *pure creation* of Irishmen previous to this *defilement*. This can be the better urged now, as Mr. Aubrey's seat at the Treasury is not wanted for Lord Mornington."

Sir Lucius O'Brien has seen Mr. Pitt, who "was very civil to him, and assured him of the satisfaction with which he should concur in any arrangement which your Grace should think proper to recommend for him." I have sent to Mr. Hamilton, to be laid before you, my ideas upon the subject of provision for Sir Lucius, and I hope one of them may answer the purpose of relieving you from embarrassment.

Mr. Pitt will speak to Lord Howe in favour of Mr. Browne.

I have written to the Chancellor on the subject of the vacant living near Belvoir.

"Lord Luttrell's letter for the Privy Council will be dispatched immediately." Your measures to repress the Whiteboys are much approved of here.

"The Prince of Wales came up, I find, to Windsor. He has not appeared at St. James's, being, as I am informed, indisposed in health. I hear also that he is very angry at not having received an express from the Ministers of the attempt against the King. It would have been well to have sent one." *Marked* "Most private."

The Earl of Tyrone to the Duke [of Rutland].

1786, August 13. Curraghmore.—I have the honour of your letter informing me that the King has been pleased to create me a peer of Great Britain. I am much gratified with this mark of your esteem and regard.

The Marquess of Lothian to the Duke [of Rutland].

1786, August 13. Holyhead.—I landed this morning after a passage of twenty-four hours, for which I paid fifteen guineas, which is the only sickness I have experienced.

The Archbishop of Cashel to the Duke of Rutland.

1786, August 14. Cashel.—Concerning a letter of introduction for Captain Dobbins to the Lieutenant-Governor of Jamaica.

The Duke of Rutland to R. Hobart.

[1786 or 1787, August.]—Mr. Orde's health is so much improved as to afford promise of entire re-establishment, and therefore the question of appointing his successor is not now entertained. Although I would gladly promote your views in life, I doubt my power to do so, as regards this particular office, even if it were vacant; and I may mention, for your *private* information, that some time since, when there was a nearer prospect of Mr. Orde quitting Ireland than there is at present, Mr. Pitt wrote to me recommending three persons for the post of Chief Secretary. To one named by him I objected; but I certainly informed him that, in regard to the others, I would take his recommendation, should Mr. Orde feel himself obliged to retire. *Draft.*

The Earl of Mornington to the Duke [of Rutland].

1786, August 15. Brighthelmstone.—Mr. Pitt has offered me the vacant seat at the Treasury Board, and I have accepted it. Pitt's conduct to me has been marked, as I have always found it, with kindness and honourable regard, and with circumstances more valuable in my estimation than the offer of the office. I understand that the vice-treasurership which Lord Walsingham holds is to be opened, but not the other, and that neither can be transmitted to Ireland. Although I have thus embarked in English politics, I still look to a settlement in Ireland as the final completion of my views, however remote; and during my absence I hope the cordial support of my friends will always be a pledge of my sincere attachment to your Government. My brother and myself will always be ready, on any extraordinary emergency, to attend your summons.

The Earl of Shannon to the Duke [of Rutland].

1786, August 15. Castlemartyr.—Yesterday I was honoured with your letter informing me that His Majesty had been pleased to create me a baron of Great Britain by the title of Carleton. I am very sensible of this high mark of His Majesty's favour, and it adds to my gratification to know that I owe so great a family object to you.

S. Hamilton to the Duke [of Rutland].

[1786, August 16,] Wednesday night.—Concerning Lord Luttrell's commission and instructions.

C. F. Sheridan to the Duke [of Rutland].

[1786,] August 16, 11 o'clock at night.—In answer to your letter to Mr. Hamilton, I have to inform you that Lord Luttrell's instructions—as sent by the Attorney-General—are at this moment ready in my office with the blanks filled up. I did not leave town till this business was settled, so that Lord Luttrell may have them any time to-morrow. As to another meeting of the servants of the Crown, I humbly observe that I conceive it would answer no purpose. Everything that can be done by *advice* has been done already; *action* must now be attended to.

GEORGE Y. KENDALL to the DUKE [OF RUTLAND].

1786, August 17. Paris.—I received fifteen days since, by Jones, your letter of July 16. My utmost efforts have been employed ever since to execute your commands. This is the very worst season of the year for disturbing wine; nevertheless, I have written to Burgundy to have 400 bottles of the very best wine (of the year 1779 if it can possibly be had) directed to you in Dublin. Burgundy is of so delicate a nature that I dared not hazard sending a greater quantity of it at once. I have written also to Comte de Genlis, the present possessor of Sillery, to dispatch 500 bottles of his best wine with the same directions as for the Burgundy. I am endeavouring to obtain 300 bottles more of Champaign, of more delicate growths than Sillery, such as we drink here.

I wish it had been convenient to send your cook Jones two months sooner; most of our capital houses at Versailles and Paris are broken up for the summer. Nevertheless, he employs his time very well in the Duke of Orleans's kitchen, and in that of the Archbishop of Narbonne. I wished to send him as far as Brittany in Comte de Montmorin's family, for the holding of the States; but Jones prefers going to Fontainebleau with the Court, where I shall have him well fixed. I hope he may be spared here until the end of January. I am glad the coffee-cup pleased you, but am surprised that the chocolate-cup has not been forwarded. It was delivered to Lord Chesterfield with instructions to remit it to Mr. Sheyd, of the Secretary of State's Office.

Referring to [G. R.] Fitzgerald's trial and execution, and to the Duke's intended tour in the north of Ireland.

A. PYE MOLLOY to the DUKE [OF RUTLAND].

1786, August 18. New Forest.—I am grateful for the readiness with which you have promised to press Mr. Pitt for the speedy performance of his intentions respecting me. I would prefer a *small sinecure* to a place of greater profit that might hinder me in following the naval profession. The loss of my guard-ship and other unexpected reverses have reduced me to great distress. I have certain information, which I send you in confidence, that the Duke of Northumberland and his brother, Lord Lovaine, are highly offended with Administration.

R. HOBART to the DUKE [OF RUTLAND].

[1786 or 1787,] August 18. Blickling.—"The re-establishment of Mr. Orde's health is a circumstance so much for the advantage of your Government that every well-wisher to you and your administration must heartily rejoice in it. My application arose from being informed that it was otherwise, and, so decidedly, that the nomination of a successor went beyond speculation, or your Grace would not have heard from me on the subject; and not even then had I not conceived the appointment entirely at your disposal, as from the specimens I have already had of Mr. Pitt's disposition to promote any objects of mine, I had little to expect from him but fair words, exonerated from the possibility of their being tortured into a promise of anything, however remote. From you I have ever experienced the warmest friendship, and can never sufficiently express my gratitude and regard."

* W. Pitt to the Duke of Rutland.

1786, August 19. Downing Street.—[*Correspondence, p.* 158.]

* The Same to the Same.

1786, August 19. Downing Street.—[*Correspondence, p.* 161.]

The Earl of Hillsborough to the Duke [of Rutland].

1786, August 19. Hillsborough.—I am honoured with your letter of the 15th, and am very sensible of your kind attention even to the most trifling matters on which I have troubled you. My object in all of them is the support of your Administration. I am glad you continue in your resolution of visiting the north this season, notwithstanding the *increasing* commotions of the White Boys, and hope to entertain you at my little cottage.

Sir J. Blaquiere to the Duke of Rutland.

[1786, August] 20, Sunday. Carrick.—Submitting certain papers, the subject of which is not specified, for the Lord Lieutenant's consideration.

The Duke of Rutland to the Earl of Mornington.

1786, August 21. Black Rock.—I sincerely rejoice in your appointment to be a Lord of the Treasury, and thank you for your early communication of the event. I am persuaded you will not find the duties so formidable as they appear to you. You have all the necessary qualifications for success on the stage on which you are now destined to act—talents, spirit, and perseverance, which will make the imaginary difficulties vanish before you. I shall watch with the greatest anxiety the progress of the next session, which will probably afford you frequent opportunities to distinguish yourself.

"The increasing commotions of the Whiteboys have obliged me to send Lord Luttrell into Munster with a large body of troops and some artillery under his command. I hope these deluded instruments will not occasion Government to act with a severity which, though necessary, is at all times distressing and repugnant to the feelings of humanity." You may be assured your friends are left in hands which, for your sake, will afford them every possible protection. *Draft. On the other leaf is a draft of a letter to General* [*Cunningham?*] *assuring him of being kept in remembrance by Government, and of another letter to Lord ——— on a personal matter.*

General R. Sloper to the Duke [of Rutland].

1786, August 21. Calcutta.—I am mortified at learning that none of my letters from India have reached you. Doubt as to what my situation will be on the arrival of Lord Cornwallis makes my present position unpleasant. I have done my best, and discarded self-interest in order to serve the Company, and ought not, as a result, to suffer either in military reputation or personal character.

THOMAS ORDE to the DUKE OF RUTLAND.

1786, August 23. Spa.—"I hope that your Grace will have been able to spare the Attorney-General, who will be a great acquisition to us. Lord Luttrell must keep Whiteboys in order, and by that means give him liberty. I find poor Carleton extremely anxious not only to come away for a little temporary relaxation, but to push into harbour for the rest of his days. He is certainly a very good man and has deserved well, but I take it for granted you would wish him to have a little patience. . . . He would have an immediate bargain with Chief Justice Patterson for his resignation. This, although to be attended with expence, might be very justifiable and proper if Carleton's succession could be accomplished as a single measure. But your Grace is aware that whenever there shall be a vacancy in either of the offices of Sollicitor-General or Prime Serjeant, there must be contrived, to prevent embarrassment, a vacancy in the other, so that Serjeant Fitzgerald and Mr. Wolfe may both be promoted. This can only be effected during the present Prime Serjeant's life by giving him a pension, and of course the expence of the two would be very heavy indeed. After the next session this may perhaps be managed very well." In the meantime, if you would give some private favourable intimation of your intentions to the two successors elect, you might derive present advantage from their exertions, and Carleton would be in some degree relieved. There are many Irish here. "Grattan surprized us with his company two days ago. He is come on Mrs. Grattan's account. He is himself quite recovered by Cheltenham, and is full of spirits and good humor." The Duke and Duchess of Cumberland are not likely to quit this place before October; and the Duke of Dorset is expected here. The King of Prussia is dying. I hope you are enjoying your tour in the north. I trust the dissipation of a month or five weeks will restore me to complete power of work in your service. *Marked* "Private."

GEORGE BUSHE to [LORD LUTTRELL].

1786, August 24. Thomastown.—"I would instantly wait upon you, but that I am doing more good where I am. I am collecting necessary evidence preparative to the expedition against the grand meeting of Right Boys which is to take place next Sunday at Killeagh. I am happy to inform you I have removed the principal difficulty as to having the law on our side. . . . I have proof of the meetings being to the terror of His Majesty's subjects, and have positive informations of felony against persons who are to be at the meeting at Killeagh. . . . I pray to have fifty light horse and forty infantry for this expedition. . . . Let the light horse be at Thomastown on Saturday evening; it is near enough for them to be to the field of action in time, and [not] so near as to possess the Right Boys of certain knowledge of what they are to do. . . . In the whole course of your expedition you will not find a more effectual opportunity of exerting than on next Sunday, nor a more numerous body to encounter, nor more legal grounds to proceed upon . . . and, if your other vocations permit you, come and command in person." I need not tell you to keep secret—except to Lord Clifden—that I have got this information as to next Sunday's business. "Mr. Alcock is the magistrate I intend to take with me and no other; there is nothing I fear more than *bungling assistance*. Lord Clifden must guard his own neighbourhood on that day, otherwise I would wish for him, but for no other." *Copy.*

The Duke of Rutland to W. Pitt.

1786, August 24.—Yesterday I received yours of 19th, marked *most secret*, and had only time to acknowledge it, after dispatching your letters to the Speaker, Sir John Parnell, and Mr. Beresford.

In March last I wrote to Lord Sydney, giving my general idea of a commercial treaty with France, so far as it concerns Ireland; but I intimated that I could not enter into details or give a decided opinion without fuller information.

You have chosen the three fittest men in Ireland to consult with upon the interests of Ireland in the adjustment of this treaty; and having full confidence in their knowledge, abilities, attachment to the interests of their country, and loyalty, I am ready to submit my judgment to theirs, while I offer what occurs to me from the particulars mentioned in your letter.

Your leading principle in the treaty is the reciprocal adoption of the *most favoured nation* clause, reserving the rights of Portugal under the Methuen treaty. This will doubtless be generally agreed to in Ireland; but I do not know whether it should not be understood for Ireland that *by the terms on which the most favoured nation now stands* are meant those terms on which such nation now stands *in regard to Ireland.* There are some protective duties in favour of Irish manufactures on similar goods from foreign parts, which may possibly not exist in Great Britain. Another reason for this distinction is that, otherwise, there might be a cry raised here that the treaty inferred an obligation upon Ireland to impose the same duties on her trade with France as Great Britain does.

Let me ask, does the treaty extend beyond European dominions, and whether the American States are to be considered among the "nations?"

Your second principle is to enumerate certain leading articles of manufacture, which may be reciprocally imported at fixed duties. The British articles named are woollen, cotton, hardware, and pottery, at duties of from 10 to 12 per cent. This is the part of the treaty most beneficial to England, but of little immediate benefit to Ireland. No doubt, as regards woollens and cottons, there is a fair field in Ireland for commercial enterprise; but there is little prospect of success in regard to the others.

In return, France is to send her cambrics hither, at the same rates. This, I fear, will affect the linen trade in Ireland.

A reduction of the wine duties can be of no moment to Ireland, except in point of revenue; but the admission of brandy at low rates will affect the home manufacture of malt spirits, reduce the value of land, and damp the spirit of agriculture, besides leading to the loss of a source of revenue.

"You show very important attention to Ireland in saying that it may be easily settled that the rate to be fixed for linens shall not extend to Ireland, if she wishes not to allow its importation."

I understand it to be intended that Ireland may waive the whole *or any part* of the tariff, and rely upon the most favoured nation clause.

Ireland may, but this is doubtful, have some advantage in leather manufactures.

I know it is here expected that some species of our fine linens may find their way into France, but I do not much rely on this.

I shall be glad to have from you any detail of the Spanish treaty, hoping that it may be of advantage to Ireland.

In regard to Portugal, your insisting that Ireland shall have the full benefit of the Methuen treaty, if it is to be preserved at all, will be extremely popular.

Your plan for introducing certain of the King's servants in Ireland into the Committee of Council for Trade must be of great service to Irish interests. "Whether that trust should be always conferred exclusively on men filling certain offices may be worth considering. You will take notice that it will be impossible to spare such men from hence during the session of Parliament."

I presume care will be taken of the glass manufacture, which is growing in importance here.

I think what I have said to you is consistent with the position in my Speech from the throne, that "the uniformity of laws and religion, and *a common interest in treaties with foreign states*, form a sure bond of mutual connection and attachment between Great Britain and Ireland."

Let me again say that whatever you agree to with Mr. Foster, Sir John Parnell, and Mr. Beresford, will, I am sure, be wise and fitting. *Copy or draft.*

The Duke of Rutland to W. Pitt.

[1786, August 24–26.]—I was obliged to delay answering your letter upon the important treaty between England and France, until I could acquaint myself how far the interests of Ireland might be involved in any such negotiation. I do not pretend to enter into any detail, but have gathered a few hints in conversation with a very competent gentleman. I am glad you have called for the advice of those whose attendance you have requested in England. They are all men of very clear judgment, who fully understand the commercial interests of Ireland, but, at the same time, consider her close and inseparable connexion with Great Britain to be the great bond of her happiness and the guardian of her rising prosperity. I shall cheerfully submit my judgment to theirs, but trouble you with a few hasty remarks:—

(The letter of which this and the preceding, dated 24th August, are drafts, is among the papers of Philip Vernon Smith, Esq., of Lincoln's Inn, recently published by this Commission. The letter as finally written and sent is dated the 26th August, and adopts the passage above abstracted, instead of the passages abstracted in the first three paragraphs of the document calendared as dated the 24th. In other respects the letter substantially agrees with the first draft.) *Marked* "Private."

Lord Luttrell to the Commander-in-Chief [Lieutenant-General Pitt].

[1786, August 25,] Friday. Gowran.—I am still of opinion that large bodies of people will not assemble in the counties near Dublin to *enforce* the taking of any oath, at the hazard of being opposed by the King's troops. Mentioning intelligence received from, and military movements in reference to disturbed districts of King's County, Westmeath, Carlow, Kilkenny, and Tipperary.

JAMES CONNELL to the DUKE [OF RUTLAND].

1786, August 26. Charleville.—Discussing the disturbed state of the country. I consider that it arises out of real grievances, and suggest that assurances should be given, on condition of a return to good order, that the grievances will be looked into on the meeting of Parliament.

SIR JOSHUA REYNOLDS to the DUKE [OF RUTLAND].

1786, August 29. London.—"I have the pleasure to acquaint your Grace that the pictures are in the river, and that I am expecting them in Leicester Fields every hour. I should have deferred writing to your Grace till I had been able at the same time to give some account of their merit, but my nephew setting out to-morrow morning for Ireland, and being very desirous of bearing a letter to your Grace, I thought it would be no bad news to communicate this intelligence; the bad part of the story is, that I insured the pictures for two thousand pounds, which cost thirty pounds. I confess I insured them with an ill will, but as I had received your Grace's orders I had no business to consider about the propriety of it.

"I beg your Grace's pardon for returning to the subject of my nephew. If I can do nothing for him during your Grace's administration, I must give up all thoughts, or rather he must give up all expectations, from any advantage he is to receive from my interest with the great. We are not so ambitious as to think of bishopricks, but if Dean Marly succeeds to the next bishoprick, which according to report is probable, if your Grace would give to Mr. Palmer his leavings, either his deanery or the living of Loughilly, your Grace would make him at once what you was so good as to say you would do one time or another, *an independent gentleman*, and I shall never pretend to have any further demands on your Grace on his account.

"Your Grace some time since wished Marlow, the landskip painter, to come to Dublin, but he has, as I am told, quitted business. I have met lately with a painter of landskips and buildings that I think excells Marlow—Mr. Hodges, who went the first voyage of Captain Cook and has since been in the East Indies. He is now desirous of seing Ireland, and would embark immediatly if he was sure of your Grace's protection. He is a very intelligent and ingenious artist, and produced, I think, the best landskips in the last exhibition, which were taken from drawings which he made in the East Indies."

LORD (CHANCELLOR) LIFFORD to the DUKE OF RUTLAND.

[1786,] August 31, Thursday evening.—Concerning the mode of taking an examination.

FREDERICK TRENCH to [C. F.] SHERIDAN.

1786, September 2.—I am certain these disturbers will never appear in force in the Queen's County. We can manage them by *wholesale*, but in *detail* they will foil our General and all of us. On ecclesiastical intelligence I have little reliance. The collieries have been tampered with; the mode you will find from the enclosed copies. Luttrell has the originals. The map will inform you that the Barrow is the only line on which it [the spread of disorder] can be stopped.

We have at this moment two companies of the 61st at Ballynakill, and tomorrow we mean to put them to a little service. I have written specially to Mr. Butler to meet me in the colliery. "I fear our efforts may be ineffectual as to private swearing. Such a collection of outlaws, deserters, and criminals as inhabit the mountain that seems to border my lawn (and is not five miles distant) exists not elsewhere in Europe."

On Luttrell's information Pigot and I were on Tuesday evening on the look out for a large party crossing the river Nore to swear the colliery. We encountered no enemy, and the business was effected by two vagabonds from Rathdowny.

I applied recently to have the Rev. Mr. Stubber, my minister, placed on the Commission of the Peace. The appointment should be made at once, as the state of my health is precarious.

"Lord Luttrell has sent me seven troopers for garrison. I had as soon have seven virgins with their lamps; but we will make the best of them for a few days, and I do not complain. If anything worth notice occurs, I shall write; and if there should be any very unforseen and absolute necessity, shall take a liberty I am certain is not according to military rules, of detaining one of the companies; but nothing but some *most urgent necessity* which will fully *justify the measure*, can make me, and you will—if necessary—represent it to General Pitt or the Duke."

(With this letter are, in the same handwriting, the copies of depositions above referred to.)

Thomas Orde to the Duke of Rutland.

1786, September 4. Spa.—I thank you for your letter of the 20th ultimo. I am glad to hear of progress in the very necessary military action against the Whiteboys. I trust Lord Luttrell will speedily put a stop to the active disturbances, but the great difficulty remains of dealing with the alleged grievance. You are right "in foreseeing that Government, if anything is to be done, must be early prepared in order to be beforehand with the certain meddling of Opposition." But, in answer to your expression of a hope that I have already conceived some method for our proceedings, I must acknowledge that I have not yet thought of any project which is not open to so many objections that I am hardly tempted to formulate it. "I have talked much with Mr. Pitt upon the subject, and although his sentiments are decided in respect to the right measure, he is embarrassed by a clear view of the difficulties and dangers which must attend the attempt of carrying it into execution. I will not here pretend to enter further into discussion of the point. Immediately upon my return I will urge His Majesty's confidential servants to assist your Grace by their opinions, and to confirm you in the uniformity of your proceedings by the assurances of entire support. In the meantime some necessary preliminaries must be arranged. Mr. Hamilton will have prepared a representation for your Grace's consideration, to be sent officially to the Secretary of State, of all the principal articles of complaint and outrage on the one side, and of the arguments adduced to confute, and the steps taken to check or punish them on the other. Experiments of innovation in such a country will be cautiously introduced, and the interested parties must be sounded, and indeed must be brought to a spirit of conciliation before the work of alteration and a sort of new establishment can be safely even commenced, so far as to declare the real wishes or designs of Government. It will, however, be no less necessary to put some limits to this reserve and management,

for an open part must be ultimately taken, and maintained with firmness and consistency without regard to subsequent clamour or remonstrance. I cannot think of this object without lamenting the truth of your Grace's observation about the temper and prejudices of a certain great necessary agent in this business, about whom the Attorney-General intimated his sentiments to your Grace. I have always had doubts and apprehensions about the propriety or safety of such an advancement in case of an unfortunate vacancy, but my remarks upon the latter instances of rashness, imperiousness, and impracticability, have convinced me that it would be almost political madness so to put in hazard the most delicate, and perhaps now the most important part of the whole machine of Government. FitzGibbon is arrived here, and full of health and spirits, seemingly delighted with his temporary liberty, but, like himself, warmly declaring the contentment with which he would have stayed had he conceived his further presence necessary. I have not yet had much conversation with him, but, as we shall meet daily, we shall of course consider every subject which requires present attention, or may be likely to be of moment in the next period of business. I learn from him that your Grace had not entirely determined upon the time of your northern expedition, or indeed upon the certainty of your going. He seems, however, to be of opinion that there is no reason for your changing or postponing your resolution on account of the troubles of the south. The season will not admit of much hesitation or delay."

I shall not fail to send you whatever information upon foreign politics I may be able to obtain; but I must be cautious as to what I write until I return to England. At this moment both action and opinion seem to be generally in a state of suspense. Yet in Holland principles and parties assert themselves with a bitter antagonism, which threatens serious disturbance. The apprehensions entertained of changes in the administration and the foreign relations of Prussia on the accession of a new sovereign, are somewhat allayed; but the peace of Germany seems to hang on the life of the Elector of Bavaria. In France, I conceive that the power of M. de Vergennes increases, while that of the Queen declines. The *Voyage de Cherbourg* is supposed to have contributed to this change. This little territory will not, I fear, be long at peace. We are not likely to have bloody battles, but amusement, the principal object of visitors, will probably be much interrupted by acrimonious disputes.

I am glad the two new English barons are well pleased. Mr. Pitt at last did the thing with a good grace, and was satisfied with the propriety of it. "I rather suspected that Lord Mornington would endeavour to keep open a door for resumption of claims upon Ireland, but I am confident that Mr. Pitt understands him to have accepted the seat at the Board of Treasury in England as a complete satisfaction of any pretension upon Irish Government. With respect to the arrangements for Sir Lucius O'Brien, I cannot still help thinking that Lord Clermont will be glad to commute his place for an equal amount in pensions to his nominees. If he should entirely decline such an agreement, General Conway's employment may be had. Perhaps it might be too much to open both at once, and I am afraid poor Lord Glandore must wait for a time, although such a thing as the Hanaper is exactly the situation for him, if your Grace should think fit to gratify him with it.

"Your Grace's reasoning about the exclusive disposal of regiments, so as to make it impossible for the Lord Lieutenant to assist His Majesty's service in Ireland by some successfull recommendations, is unanswerable. I do not know what is intended for the two candidates for whom you

interest yourself, but I will not fail to make the knowledge of it one of the earliest objects of my inquiry, upon my return to London."

I have lost no opportunity of pressing your applications in favour of your private friends. Pulteney will probably be gratified soon. I have urged Captain Molloy's appointment, to the postponement of the claim of my own brother. FitzGibbon and your other subjects here send their sincere respects. *Marked* "Most private."

Francklin Kirby to the Duke of Rutland.

1786, September 7. Dublin.—Stating his claim for retiring allowance on being superseded in the employment of port surveyor of Derry.

Sir Joshua Reynolds to the Duke [of Rutland].

1786, September 7. London.—"I have the pleasure to acquaint your Grace that the pictures are arrived safe in Leicester Fields. I hang over them all day, and have examined every picture with the greatest acuracy. I think, upon the whole, that this must be considered as the greatest work of Poussin, who was certainly one of the greatest painters that ever lived.

"I must mention, at the same time, that (except to the eye of an artist, who has the habit of seeing through dirt) they have a most unpromising appearance, being incrustated with dirt. There are likewise two or three holes, which may be easily mended when the pictures are lined. Excepting this, which is scarce worth mentioning, they are in perfect condition. They are just as Poussine left them. I believe they have never been washed or vanished since his time. It is very rare to see a picture of Poussine, or, indeed, of any great painter that has not been defaced in some part or rather (*sic*), and mended by picture cleaners, and have been reduced by that means to half their value.

"I expected but seven pictures, but there are eight. The sacriment of Baptism is represented by Christ baptising St. John, but that picture, which does not seem to belong to the sett (though equally excellent with the rest), is St. John baptising the multitude.

"I calculate that those pictures will cost your Grace 250 guineas each. I think they are worth double the mony.

"A few evenings since I met Lord Besborough at Brooks'. I told him of the arrival of the pictures, and asked him (as he rememberd them very well) what he thought they might be worth. He said they would be cheap at six thousand pounds.

"I think Mr. Beyers managed very well to get them out of Rome, which is now much poorer, as England is richer than it was, by this acquisition.

"I have likewise made a great purchase of Mr. Jenkins—a statue of Neptune and a Triton grouped together, which was a fountain in the Villa Negroni (formerly Montalto). It is near eight feet high, and reckond Bernini's greatest work. It will cost me about 700 guineas before I get possession of it. I buy it upon speculation, and hope to be able to sell it for a thousand.

"The Boccapaduli Palace was visited by all foreigners, merely for the sake of those picture by Poussine, for I do not remember there were any others of any kind. Those Sacriments are much superior to those in the Orleans collection, which I thought were but feebly painted, tho equally excellent for invention. There is arrived in the same case a porto-folio with prints after the works of Raffielle in the Vatican, and

some colour'd prints after antient paintings. I saw this morning a very fine picture of Raffielle of a Madonna and Bambino, which Lord Cooper brought from Italy, which he carries back with him again. He sets off for Italy next week, and, I understand, does not intend to return."

Lord Sydney to the Duke [of Rutland].

1786, September 11. Windsor Castle.—"I have sent you the King's orders concerning the prorogation of the Parliament in Ireland, but I have His Majesty's directions to acquaint you that he is pleased to leave the execution of them to your Grace's discretion.

"The reason of leaving you this latitude arises from an expression in your last letter to me, in which you mentioned an intention which you once had of calling the Parliament together for the purpose of passing an act for the suppression of tumultuous insurrections. The King wishes that this power of assembling Parliament may not be put out of your Grace's reach, if you see it necessary or convenient to retain it."

"We wait with impatience for your account of Lord Luttrell's expedition, and are extremely anxious concerning the event of it." *Marked* "Secret and separate."

The Same to the Same.

1786, September 12. Tottenham Park.—Asking for the Duke's patronage on behalf of a meritorious officer.

The Duke of Rutland to W. Pitt.

1786, September 13. Black Rock.—"One complaint more I have to add, which is the total neglect of general and early communication, so that I am frequently informed in the street of matters of the utmost consequence being about to take place. I am now told it is decided that Eden is to be the Vice-Treasurer, which I deny stoutly, because, though I believe the fact, I have not had the least notice of it from England. You should have informed me earlier of the intention of making the Irish Privy Councillors, that the measure and the persons included in it might have been so decisively settled that I might have been enabled to have mentioned it to the gentlemen in question before they quitted Ireland. As you will allow, no communication should be made to individuals but from the Lord Lieutenant. I never can doubt your private affection. I have experienced your honorable public support whenever I have been pressed, so am convinced that this alone proceeds from the great multiplicity of business in which you are engaged. But unfortunately these matters have the same effect on the publick mind as if they were the result of want of confidence on your part and loss of influence on mine. I ought to have mentioned Mr. Hamilton's business, which is now before me, backed with your powerful recommendation. I think, on the ground on which Mr. Orde contends against him, his claim to be a valid one; but it will be attended with much political difficulty, and perhaps some hazard. I will, however, make it the subject of a future letter, which shall be ostensible, after I have been enabled to give all parts of the question a thorough investigation.

Postscript.—"I enclose you a letter from a voter of yours in Cambridge. I have so many demands on the Chancellor, that I cannot weaken my own applications by troubling him for Mr. Waterhouse. But you may oblige him by what seems a trifle.

"You mentioned the Secretary of State and the Chancellor of the Exchequer to be within your idea of being called to the Privy Council. The latter is, I hope, with you in London. But I must request your permission to write to the former, to communicate to him His Majesty's gracious intention."

Draft. (*This extract forms the last page of a letter, of which the preceding part is printed in Correspondence, pp.* 162–172.)

The Marquess of Lothian to the Duke [of Rutland].

1786, September 18. Farnham.—Reminding him of his promise to recommend Major Drouly for promotion.

R. Hobart to the Duke [of Rutland].

[1786,] September 28. London.—I had intended to write to Mr. Pitt requesting an audience, but the death of his sister obliged me to defer it. Meantime, I return you many thanks for your letter. Those Right Boys must be a desperate set. I saw Lord Mansfield at Tunbridge. His eye is particularly lively; but I am told he is very infirm, and not likely to live long.

George Y. Kendall to the Duke [of Rutland].

1786, September 29.—Your cook is fixed for two months in the Duke of Orleans's kitchen, which is the best school of his trade in France. They are to go in a few days to Fontainebleau, where he will be well exercised; and as the season for variety shall then have set in, I have obtained a promise that he shall be present at any extraordinary effort of skill in any other kitchen. He has been employed in the Prince de Condé's family at Chantilly, but was shut out from the Controller-General's by the Duke of Dorset, who placed an apprentice there. He wishes to finish his present course of instruction so as to join you in the beginning of January next.

"The handsomest shoe-buckles possible to be had at Paris shall be sent by the cook (diamonds apart), but, before I order them, it will be necessary to see the most fashionable buckles that are worn at Fontainebleau."

The death of the old King of Prussia has not, as yet, led to any extraordinary movement in the political world, in consequence probably of the habitual caution of the Court of Vienna.

The affairs of the Dutch Stadtholder are in a desperate position. He has not hitherto received the support that might have been expected from his brother-in-law, the new King of Prussia.

"I am assured that the treaty of commerce was signed yesterday."

"Lord Chesterfield's banker here has wrote twice to him about the chocolate-cup he carried from hence for the Duchess."

The Duke of Rutland to Lord Sydney.

[1786, September.]—This letter is accompanied with a detail of the events in Munster since my last dispatch, and of the progressive effect of the appearance of Lord Luttrell and His Majesty's troops in the suppression of disturbances in that province. I am now to return thanks to His Majesty for the confidence he has placed in me by giving me discretionary

powers of assembling Parliament if necessary. But as the exertions of Government have put an end to open and avowed combination, the consideration of those disturbances may, unless any new occasion arises, safely await discussion in Parliament at its usual time of meeting. I am glad to express my sense of the zeal of the gentlemen named in the enclosed papers. Their exertions in their several counties seem calculated to establish and preserve tranquility. I must also mention Lord Kenmare in terms of the most pointed and honourable eulogium.

The state of this country affords an opportunity for recapitulating my favourite idea of a rotation between the cavalry of the two countries. Not that the cavalry here have been backward; on the contrary. But heavy dragoons are useless for the kind of service in which they have to be employed here, and I should like to have them exchanged for light dragoons. I have also to urge that general officers who are colonels of the regiments perpetually stationed in Ireland should not consider them as sinecures, but should visit this country and inspect them periodically, after the example of General Hodson. *Draft.*

GEORGE PONSONBY to the DUKE [OF RUTLAND].

1786, October 2. Shanbally.—Recommending strongly Mr. William Barton for the appointment of British Consul at Bordeaux, in case of the commercial treaty with France being concluded.

* W. PITT to the DUKE OF RUTLAND.

1786, October 3. Downing Street.—[*Correspondence, p.* 173.]

The EARL OF CHATHAM to the DUKE [OF RUTLAND].

[1786,] October 3. Burton Pynsent.—Referring to the death of his sister (Lady Harriet Eliot). "My mother supports her affliction as well as can be imagined. I expect my brother here every day."

SIR JOSHUA REYNOLDS to the DUKE [OF RUTLAND].

1786, October 4. London.—"I am very well disposed to fill this letter with expressing the happiness which we all feel from your Grace's kindness towards my nephew; but as I am sure you would rather hear about the pictures, I shall only say we feel it with all the gratitude we ought.

"Everything relating to the pictures has hitherto turned out most prosperously. They have past through the operations of lining and cleaning, all which has been performed in my own house under my own eye. I was strongly recommended to a Neopolitan as having an extraordinary secret for cleaning pictures, which, though I declined listening to at first, I was at length persuaded to send for the man, and tried him by putting into his hands a couple of what I thought the most difficult pictures to clean of any in my house. The success was so complete that I thought I might securely trust him with the Sacriments, taking care to be allways present when he was at work. He possesses a liquid which he applies with a soft sponge only, and, without any violence of friction, takes off all the dirt and varnish without touching or in the least affecting the colours. With all my experience in picture cleaning, he really amazed me. The pictures are now just as they came from the easel. I

may now safely congratulate your Grace on being relieved from all anxiety. We are safely landed; all danger is over.

"The eighth picture, the Baptism of the Multitude, does not belong to the set, nor is it engraved as the rest are. The figures are not upon the same scale; they are of less dimensions. This picture is the only one that has been in a picture-cleaner's hands, is more damaged, and has been painted upon, but it is equally excellent with the rest.

"As to their originality, it is quite out of all question. They are not only original, but in his very best manner, which cannot be said of the set in the Duke of Orleans's collection. Those latter are really painted in a very feeble manner; and, though they are undoubtedly originals, have somewhat the appearance of copies.

"Wellbore Ellis Agar told me they were offered to him some years ago for 1,500*l.*, but he declined the purchase by the advice of Hamilton, the painter, on account, as he said, of their being in bad condition.

"It is very extraordinary that a man so conversant in pictures should not distinguish between mere dirtyness and what is defaced or damaged. Mr. Agar dined with me a few days since, with a party of connoiseurs; but the admiration of the company, and particularly of the good preservation of those pictures, so mortified him at having missed them, that he was for the whole day very much what the vulgar call *down in the mouth*, for he made very little use of it either for eating or talking.

"Lord Spencer tells me that he stood next, and was to have had them if your Grace had declined the purchase. One of the articles, he says, between Beyers and the Marquis was that he should bring the strangers as usual to see the copies, and which he says he is obliged to do, and, I suppose, swear they are originals; and it is very probable those copies will be sold again, and other copies put in their place. This trick has been played, to my knowledge, with pictures of Salvator Rosa by some of his descendants, who are now living at Rome, who pretend that the pictures have been in the family ever since their ancestor's death.

"The connoiseurs—or, rather, picture dealers, who are better judges of the prices of pictures—value the Sacriments at 5,000*l.* Vandergnecht, who is both a painter and dealer, says that if he had any idea of those pictures being to be sold, he would have sent out to Rome on purpose to purchase them. All these circumstances, I think, may help to make your Grace perfectly satisfied with your bargain.

"Lord Mansfield's copy is quite finished, but, I am sorry and ashamed to say, the other of the children is not. However, I am about it, and do every day a little to it. I hope within a fortnight to be able to send them both together. I cannot conclude this long and, I am afraid, tedious letter without again thanking your Grace for your last very kind and obliging letter."

On the back is a list of pictures in the Duke of Rutland's hand.

D. Pulteney to the Duke [of Rutland].

1786, October 4. Fludyer Street.—"I have not neglected your Grace's orders respecting the truffles, . the only *emporium* for that article being Covent Garden, and the time they will keep so short, that I believe none were ever before exported to Ireland. The person, however, whom I have employed promises to send once a week sufficient for two days, and to continue for three weeks or a month his supplies to Mr. Jones and company, with which I hope they will render themselves very popular amongst the Irish ladies. In the exports to Ireland laid before Parliament I see no mention of truffles,

but 48 lbs. of dried morelles were entered in 1783, so that this species of corruption was probably introduced by Lord Northington." The French treaty will facilitate negotiations for free trade between England and Ireland. So far as I can learn, there will be no objection in the British House of Commons to a renewal of the scheme already proposed. You would confer an obligation on me by letting me know if you have received any answer from Mr. Pitt to your repeated applications on my behalf. I do not think that Mr. Orde's advocacy of my claims is much to be depended on. Mr. Pitt dare not trifle with a direct request of your Grace, in favour of a staunch political adherent.

"I beg of you to present my most respectfull compliments to the Duchess of Rutland, whose Laureat's verses (Sir H. Langrishe's) I desired Mr. Dodsley to give to the Conductors of the *Annual Register*, which is the best work of the sort. Having the original in a very tattered state from being wetted in travelling, and from some repetitions of rhymes and ideas where Sir Hercules was full of his subject, I took the liberty of altering a little, which I will enclose to her Grace in the next letter I have the honor to send to Ireland; and if too much freedom has been taken with the original, there will be time enough to restore the whole."

D. Pulteney to the Duke [of Rutland].

1786, October 7. Fludyer Street.—Let me ask for a copy of your Police Bill as a guide for discussion relating to ours. I enclose the copy of verses as left with Mr. Dodsley.

James Metcalfe to the Duke [of Rutland].

1786, October 7. Fordham Abbey.—"I want you should have a portrait of King Charles the 2nd by Vandike, which hangs up in this house, a full length, and the prettiest brown boy I ever saw. The canvass at the bottom is a little soiled, but the figure is compleat. It is too large for an house I have built and am going to live in, in Bedfordshire, next year. I desire you will accept of the picture, and I will send it anywhere you like when I leave this place."

"What think you and your friends of Eden's job? I think it will be popular here. . I can assure you, from authentic accounts I have had from a private person at Liverpool, that their trade is so increased they paid double into the Custom House this year, and a few hundred pounds more than ever they did before the war."

The Earl of Shannon to ———.

1786, October 10. Castlemartyr.—Concerning the appointment of Mr. Townsend as Surveyor of Dingle; and that of Captain Thomas Townsend as Deputy Governor of Kinsale, in exchange for his office in the Battle Axe Guards. As the English Parliament is to meet on the 20th of November, I hope, previous to taking my seat, to pay my duty to his Grace in Dublin the first week in that month.

The Marquess of Lothian to the Duke [of Rutland].

1786, October 13. Poyle Court.—I thank you for your readiness to comply with my request concerning Drouly. I am glad the disturbances in Ireland wear a calmer aspect. Also I am truly glad you have

put off your expedition to the north. I find through Fawcett that your project of rotation for the cavalry will not be carried through. The King and he are apparently at one upon this. But I hope your artillery scheme may take place.

The Marquess of Lothian to [the] Lord [Bishop of Killala ?].

[1786, October 14. London.]—"In consequence of your letter I immediately wrote to the Duke, and wish that what I have said to him may have the weight with him you seem to think probable. I believe that he knows that . I never say anything to him but upon mature consideration for his advantage and honour; and I cannot help thinking that from the insidious principles of the Presbyterians he might have been drawn into some difficulties upon his tour."

"My own opinion leads me to think that nothing that Government, will satisfy the insurgents in Ireland, and am convinced that nothing but the sword, or more sanguinary laws, can have any proper effect. If once you submit to what may appear their humble and even submissive prayers, I know them well enough to pronounce they will rise in their demands, and greater mischiefs will ensue. It gives me pleasure to hear that my worthy friend Colonel Pigott has acted with so much vigour."

"I saw Mr. Orde yesterday at the Levée, and I cannot flatter you that—from his looks—he has been much benefitted from his excursion." Tell the Duke if I am rich enough I will pay him another visit next year. Pray remember me to Lord Earlsfort.

Thomas Orde to the Duke of Rutland.

1786, October 14. London.—I am returned to England, improved in health, though not recovered so completely as I could wish. Sir Richard Jebb gives me hopes of entire re-establishment, but speaks of sending me for a fortnight to Bath. I shall, however, from the present moment begin to prepare for active employment by attending to what has to be settled here. His Majesty yesterday expressed the highest sense of satisfaction and confidence in your attachment and proceedings. Mr. Pitt is much affected by the loss of his sister, and I had little conversation with him. He is sanguine about the satisfaction which the foreign treaties will give in Ireland. I took occasion to press the views of General Cunningham and Lord Luttrell to him, and also to Lord Sydney. I think things promise well for your gratification in these respects. I wish I could say as much about the exchange of the cavalry. Fitzgibbon is here, but I have not yet met him. I dare not enter upon the sad and endless theme of Whiteboys. *Marked* "Private."

The Duke of Rutland to W. Pitt.

1786, October 15. Phœnix Park.—Requesting information in regard to the duties payable under the recent treaty upon wines imported from France. *Draft, marked* "Private."

D. Pulteney to the Duke [of Rutland].

1786, October 16. Fludyer Street.—Let me ask your directions before the meeting of Parliament as to the part I am to take in regard

to the Leicester Canal Bill, which I hear is to be again proposed. Your colt at Newcastle, although defeated by Honeysuckle, was not disgraced. If our Parliament ratifies the French treaty before your Parliament is met, I suppose some good patriot will make an outcry in Ireland that this is realizing the fourth resolution, and renew the *constitutional* idea of appointing ambassadors from the Irish House of Commons. Let me know if you have any instructions to give on this subject.

GEORGE ROSE to the DUKE [OF RUTLAND].

1786, October 16. Great George Street.--Concerning an application from Captain Thorne to be sent in charge of convicts to Botany Bay, and some small appointments in the port of Whitby. I am sorry to say Mr. Orde's appearance is not so favourable as might have been expected from his excursion to Spa. It is almost certain Parliament will not meet until after Christmas. "Mr. Pitt is returned from Somersetshire in perfect health, and his spirits are surprisingly got up."

The DUKE OF RUTLAND to THOMAS THOROTON, at Screveton, Newark.

1786, October 18. Phœnix Park.—Concerning small purchases of land, and a new arrangement for the management of his racing stud. "You know I have purchased the Seven Sacraments of Poussin, and they exceed all expectation. Sir Joshua [Reynolds], who has them in his care, offers me a 1,000*l.* for my bargain. After a certain time they will be sent to Belvoir, there to remain, I hope, as long as the name of Manners and its splendour endures."

The MARQUESS OF CAERMARTHEN to the DUKE OF RUTLAND.

1786, October 20. Whitehall.—I am earnestly desired by Lord Hopetoun to ask you to promote his brother, Mr. Hope, an officer in the Irish army. *Marked* "Private."

GEORGE ROSE to the DUKE [OF RUTLAND].

1786, October 21. Great George Street.—Concerning fresh difficulties that had arisen in connexion with the Collectorship of Whitby, which Mr. Pitt hastily promised to Lord Mulgrave, without adverting to the Duke of Rutland's political interest at Scarborough. My reason for writing to you is that Mr. Pitt himself is exceedingly embarrassed about it, and I mention this to you without any directions from him to do so. I do not think Mr. Orde's health so bad as to prevent his returning to business in Ireland. Mr. Pitt is in perfect health and wonderfully good spirits. All the particulars of the French treaty have been communicated to Sir John Parnell and Mr. Fitzgibbon.

THOMAS ORDE to the DUKE OF RUTLAND.

1786, October 24. Bath.—I desired Mr. Hamilton to communicate with you upon a subject by which I was really too much affected to write to you directly. If I had consulted my own selfish wishes

only, I should have hastened back to your service and the resumption of my public duty. But I felt I ought not to do so without apprizing you of my real condition, and intimating the possibility of my insufficient health. I desire to lay the case fully before you, in order that you may judge and determine whether my return would be of advantage for the King's service. Having done this, I place myself entirely at your disposal.

"I passed the night of yesterday and this morning at Bowood with Lord Lansdown. . He is much out of humour with Ministers, who, he thinks, have neglected and even slighted him; yet he will, I trust, act a dignified part, and not suffer his private displeasure to influence his public conduct. I find him full of alarms about the Whiteboys and the security of his property, and earnest to have some early measures adopted for composing, if possible, these unpleasant disturbances, which he constantly suspects to be too much mixed with foreign politics. He is, however, at a loss what sort of proceeding to recommend, but agrees with me that the best event of all would be, although it is hardly to be hoped for, to induce the bishops, in the name of the clergy, to *ask* for some plan of commutation, . . which Government might then fashion and produce for the discussion of Parliament. It will surely be dangerous as well as fruitless to let the question be agitated there upon any other motion than that of Government, according to some predetermined system. It will also, I conceive, be of great hazard and difficulty to introduce anything without, at least, the warm *concurrence* of the clergy, which either their interest, their discretion, or their fears, must afford to your Grace as their only protector. The entire suppression of tumult and insurrection ought naturally to precede everything; yet, in that case, there is not a moment to be lost, for, if once a regular form and consistency are given to the meetings and operations of these banditti, they may soon have a leader from—God knows what quarter—and a real rebellion be the speedy consequence. The sword alone can be used out of doors. Argument plainly works only a momentary and deceitful effect with these people. They must be chastised into reliance upon the Legislature, unless it be thought wise or practicable to make an absolute promise of deliberation or redress. The language of meetings at the different assizes must have weight in directing the choice of difficulties; but the choice, once made, must be supported with steady and inflexible vigor and consistency. . Fitzgibbon and Parnell will have conversations with Mr. Pitt, &c. upon this serious object before my return to town, and I will assuredly know the decided sentiments of the Cabinet immediately after.

"Fitzgibbon and Parnell have put much of the business respecting our Commercial and Navigation Bills in forwardness. I will not trouble your Grace upon further matters by this hasty dispatch, except to hint the possible propriety of considering whether some compliment of private communication and enquiry should not be paid to the merchants and manufacturers in Ireland (if any such can be found there) in the same way as has been done in England. The Speaker and Beresford, as of the Committee of Council, might advise upon the subject." *Marked* "Most private."

The Duke of Rutland to [Lord Sydney].

1786, October 27.—Lord Luttrell having requested permission to return from Munster, and represented the country to be in general reduced to tranquillity, I consented to his application. I have had

much conversation with him since his return. He represents the province where these commotions originated to be nearly restored to a state of quiet and submission to the laws; and, except in a few mountainous and unfrequented parts, he does not apprehend that the Whiteboys will again appear. During the present season the repressing of acts of outrage ought to be within the compass of the civil magistrate. Lord Luttrell has severely cautioned the magistrates against any neglect of their duty, and many of them have engaged to be more active and vigilant. It is probable that during the continuance in Munster of the troops whom Lord Luttrell has left to answer the demands of the magistrates, the tumults will not be renewed, and that the insurgents will patiently await the determination of Parliament on their complaints. But if Parliament in dealing with their grievances should not meet their views, if it be found on minute investigation that those grievances are imaginary, or (what I believe to be the case) that the clergy have not been unconscionable in their demands, but that whatever real ground of complaint there is arises from the pressure of tithes in the hands of the lay impropriators, and if from these considerations Parliament shall not think it proper to make any alteration in the present established provision for the clergy, I cannot say that similar commotions may not arise at a later period. I cannot as yet offer an opinion on the question whether a modification is wise to prevent the repetition of a state of little less than war, which, if renewed, may be carried to a very serious length; or whether any modification can be adopted which will not endanger the establishment of the Church, which must be supported. I have written to Mr. Pitt on the subject, and hope you will possess Mr. Orde with any ideas which may suggest themselves to the Cabinet on this point. When the subject shall have been fully considered, whatever may be the opinion of His Majesty's servants, I shall be ready to give it the most decided and unshaken support. I cannot omit stating that many arms are dispersed in the hands of the popery and the beggary of the country. In the county of Kerry, a small district were frightened into giving them up to an active magistrate. Lord Kenmare would willingly give his assistance to disarm his estate. I think it appears that no encouragement has been given from foreign powers to these disturbers of the public peace. They, in general, went to their trials unassisted and without a shilling to fee the counsel in their defence. In the county of Cork they had some pecuniary aid; but this must be attributed to some of the neighbouring gentlemen who are supposed to be well-wishers to their cause. Owing to the lateness of the season, and the necessity of my presence at the seat of government, I have laid aside for the present all intentions of my expedition into the north of Ireland. *Draft.*

Captain A. Pye Molloy to the Duke of Rutland.

1786, October 27. Gilbury, New Forest.—Requesting that John Lewis Bruncker, stepson of his friend Mr. Stanley, M.P. for Hastings, may be allowed to purchase a vacant ensigncy in the 62nd Regiment, in accordance with the recommendation of General Mathew.

Lord Sydney to the Duke of Rutland.

1786, October 30. Frognall.—"Having received a private intimation that Colonel Vallancey has expressed some uneasiness that no progress was made to procure Sir William Petty's survey of Ireland from the

French king's library, as likewise a degree of jealousy that the credit of discovering and procuring so valuable a document might be given to some other person, I made a fresh inquiry into the state of that business. I find that the Duke of Dorset has obtained leave to have a copy taken, but that the original will not be delivered.

"Upon mentioning the matter to the King, His Majesty was of opinion that no one could with more propriety be entrusted with taking this copy than Colonel Vallancey himself, if he can be spared from the work in which he has for some time been engaged." But if any reason occurs to you against employing Colonel Vallancy in this business, the King leaves it to your discretion to choose any other person whom you may think qualified.

Concerning an irregular application of Major Dalrymple for additional leave of absence. *Marked* "Secret and separate."

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The Duke of Beaufort to the Duke [of Rutland].

1786, November 2. Blandford Park.—Thanking him for a promise to recommend Lord Charles Somerset for the purchase of a troop of Dragoons on the Irish establishment.

Lord Sydney to the Duke [of Rutland].

1786, November 4. Frognall.—Recommending Lord Hopetoun's request that his brother may be allowed to purchase a troop in the Royal Irish Dragoons.

Daniel Pulteney to the Duke [of Rutland].

1786, November 4. Fludyer Street.—Concerning commissions from the Duke to recover various unpaid wagers. As regards my situation from your recommendations to Mr. Pitt, although I have lately held conversations with Lord Chatham that might naturally have led to the subject, he did not hint at any intention to give me an appointment. "According to Oliver Cromwell's remark, '*On ne monte jamais si haut que quand on ne sait pas ou l'on va*,' I should expect something great from Mr. Pitt from the total ignorance in which he has kept me respecting his intentions;" but within the last year he has disposed of so many vacancies and new created places of all descriptions, that I am quite in despair of your Grace's system of attachment and attendance ever doing me the least service. Your pictures at Sir Joshua's are much talked of, particularly the Extreme Unction. The prints of poor Lord Robert appear to me very well executed, from two I have seen in a shop, but on application to the engraver I find they are not yet ready for delivery to subscribers.

Thomas Orde to the Duke of Rutland.

1786, November 6. Bath.—You will have received before this reaches you my message through Mr. Hamilton of the most cordial offer of such services as my zeal, however weak my ability, can perform.

Your letter of the 27th confirms me in this election, and I am deeply impressed with the sense of your indulgence. I wish I could say I was entirely recovered and secure against a relapse, but I can safely assert that my improvement is very great. I at all events hope to get through the business of next session, which I look at in a less formidable light than many do, even upon the subject of the late tumults. The report of Lord Luttrell in regard to the clergy is certainly a great relief. Whatever protection may be given to the clergy should be extended only to those who reside. Perhaps the middlemen and proctors might be got rid of by some plan of general valuation, especially upon potatoes, or by an obligation to offer the tithes in the first instance to the possessors of the land, and after their declining to draw them. But until I have the whole matter before me I will not hazard an opinion on points of it. Quiet and submission must at all events be previously established. Fitzgibbon had, at my desire, some conversation with Mr. Pitt, which he will have reported to you.

I am sorry to find that General Pitt has raised a dispute with you on a mere matter of punctilio. *Marked* "Most private."

THOMAS ORDE to the DUKE OF RUTLAND.

1786, November 6. Bath.—Concerning the appointment of a lieutenant-colonel, and other military promotions. *Marked* "Most private."

The EARL OF TYRONE to the DUKE OF RUTLAND.

1786, November 7. Curraghmore.—Asking for advice about taking his seat as Baron Tyrone in the British House of Lords. "I find that the combinations of Right Boys are proceeding quietly; the swearing goes on in a gradual progression and without any outrage; their strength and union increase from week to week."

The EARL OF CHATHAM to the DUKE [OF RUTLAND].

[1786,] November 7. Berkeley Square.—Your kind letter crossed mine, and was a great consolation in my distress. My brother is gone into Somersetshire with Mr. Eliot to see my mother. I expect him back in a few days. I am glad on his account, as well as my own, that Parliament does not meet until after Christmas, as it will give him more relaxation in the present, and enable him afterwards, for the first time, to meet Parliament with all the business arranged, without which there is no hope of ever seeing a short session. I think of going to Lord Westmorland's, whence I shall probably go on to see your hounds, which I hear from everybody are extremely good. The death of the Princess Emily has afforded the newspapers a fine topic for abuse. It is certainly hard that her money should go to Germany, and I hoped she would have left it to the Prince. But I then thought it a very immense sum, whereas it does not turn out to be more than 50,000*l.* stock, which would have been a mere breakfast, and no solution of the present unpleasant state of things.

*W. PITT to the DUKE OF RUTLAND.

1786, November 7. Burton Pynsent.—[*Correspondence, p.* 173.]

The EARL OF MORNINGTON to the DUKE [OF RUTLAND].

1786, November 7. Treasury.—"Since I had the honor of seeing your Grace, I have had occasion to consider the case of my brother

[*sc.* Arthur Wellesley, afterwards Duke of Wellington], to whom you were so good as to promise a commission in the army. I fear it would not be easy to negotiate the matter here in the mode which I suggested to your Grace, and I now wish to offer another proposal to your consideration. If a commission was purchased for my brother immediately, could your Grace give him your promise that you would promote him in a year, or a year and a half, and do you think this would be more speedily done and with less difficulty than the present scheme? Your Grace will understand my intention to be that you should give him the second step instead of the first. If you are pleased to honour this proposal with your approbation, your Grace will oblige me by returning an answer as soon as may be convenient to you."

"Pitt is gone to Somersetshire, and will, I believe, return next week."

The Duke of Rutland to [Lord Sydney].

1786, November 8. Phœnix Park.—Colonel Vallancy is very competent for the employment of copying the map of Ireland now in the library of the King of France.

"There is come to reside in this metropolis a young man of fashion, who derives his title from this country, Lord Aughrim, the son of Lord Athlone. His father . . . is a native of Holland, and a subject of the States-General, but . . . the cause of the Stadholder, to whose party he is attached, declining, he has sent his son hither to be absent from the scene of disputes." "It occurred to me if the Stadholder's affairs should become desperate, and if his friends should be obliged to seek a foreign asylum, that could Lord Athlone induce a number of his countrymen to seek a retreat in Ireland, he would establish a solid claim on the liberality of the publick. This would add weight to the Protestant interest, and bring a number of useful and industrious inhabitants who might be employed with effect in the infant fisheries of Ireland, and might settle under the protection of this Government. At the same time I should by no means recommend to put this country to any expence, should such a scheme at any time be deemed wise to be adopted. My idea only goes to afford . a secure establishment to those who will venture at their own hazard. The country felt the burthen of a similar scheme in regard to the factious Genevois, about whom such animating expectations were formed, . which terminated in delusion." The scheme I have described would be composed of persons who abandoned their country because they could not stem the torrent of a republican faction, who endeavoured to blot out the only resemblance of monarchy which existed in their constitution; whereas the other scheme was to introduce a body of men into Ireland whose notions of liberty were so unlimited, that they could not endure any form of government, any control, or any subordination whatever.

"I am sorry to say that partial disturbances have arisen in Munster since Lord Luttrell's return, and which have only afforded to the magistrates fresh opportunity of demonstrating their inactivity and their inattention to their duty. I fear nothing but a resolute determination in Parliament to enact effectual and vigorous laws, to which Government must give a vigorous execution, will put an absolute period to these disgraceful commotions." *Draft, marked* "Private."

The Duke of Rutland to the Earl of Tyrone.

1786, November 13. Phœnix Park.—I cannot yet answer your question relating to your visit to England, but will make inquiry,

and give you the earliest intelligence on the subject. "I am sorry that the disgraceful commotions in Munster are still continued in violation of the publick tranquility, and in defiance of the laws and of good government. I have it in contemplation to make a very secret and sudden exertion and to disarm all the popery and beggary of the province of Munster. Secrecy and celerity are absolutely necessary to the success of such an enterprize. The blow should be struck before it is perceived, before any preparation can be made to ward off its effects. When I have finally decided upon the measure and have digested any plan, you shall hear from me again. But I beg you will consider in your own mind of magistrates in your county whose zeal and address will point them out as proper persons to be entrusted with such a delicate commission." *Draft, marked* "Private."

Thomas Orde to the Duke of Rutland.

1786, November 15. Bath.—I can hardly express what I feel upon the receipt of your flattering and encouraging letter of the 7th. I can only endeavour to justify your confidence. It is truly delightful to me to recommence my active duty under these impressions and with such prospects. I shall not allow myself to be detained here beyond Monday next. I must employ one day on private business in Hampshire, and mean to be at St. James's on Wednesday morning. When I have conferred with Ministers upon the points which remain to be considered, I shall set out for Ireland.

In regard to the dispute between General Pitt and the Military Office, on the subject of an inquiry into the circumstances of an affray at Kinsale, in which some soldiers were concerned, I think the General is in the wrong even in the ground of his complaint, but unpardonable in his manner of treating it towards you. I think there is no way of adjusting the matter so as to save General Pitt from ruin, but by a good-humoured conversation with him and an oblivion of many of the proceedings. I shall undertake the management of this affair whenever you shall honour me with your commands upon my return.

I am concerned that you should apprehend that the revenue will fall short this year; but, so far as I can judge at this distance, and without exact information, you over-rate the political difficulties that may arise in consequence.

I think your proposed adjustment of the claims to the Collectorship at Whitby a reasonable one, and cannot think Lord Mulgrave would be justified in throwing difficulties in its way.

"I perfectly understand your Grace's wishes about the promotion of Bishop Watson, and will feel my way accordingly. I am, however, sensible of the very just discontent entertained against him for his more than equivocal conduct."

You have now full authority to inform the Provost that he is at liberty to claim a seat at the English Privy Council Board. *Marked* "Most private."

The Earl of Cornwallis to the Marquess of Lothian.

1786, November 15. Calcutta.—"You will, I am sure, be glad to hear that I have not yet had an hour's illness since I left England. You need not be told how disagreeable a scene I have engaged in. I have, however, made up my mind to bear it, and I hope, although we labour under great difficolties, which have been a good deal glossed

over by my predecessor, that application, firmness, and real integrity may save us. How it will answer to my private affairs I can as yet form but little judgment.

"Had I brought out more people with me I should have been ruined. Without entering into jobbs, I cannot pay Haldane, my private secretary, and am obliged to solicit the Court of Directors to do it; and I see no prospect of giving my nephew Madan anything more than the appointment of aide-de-camp, which is only 700*l.* a year, and which in this country is not more than equal to 200*l.* Having a number of hungry dependents was the rock that Sloper split upon, who, I sincerely believe, came out with very upright intentions."

Lord Sydney to the Duke [of Rutland].

1786, November 16. Whitehall.—I was unable last week to see the King, owing to the death and funeral of the Princess Amalie. I cannot therefore answer your dispatches by this messenger, who is charged with copies of the commercial treaty. In confidence I must tell you that I see difficulties with regard to some of the military promotions you recommend, owing to the claims of other officers of longer service. For instance, "an officer in the King's family and on the Irish establishment, and of long service, declares himself ready to purchase a lieutenant-colonelcy, and the Majors Coote and Howe were hardly in the army when he was first a captain. The officers on this establishment complain that there is no chance of their purchasing here, as those who wish to sell will wait for their being on the Irish establishment." Much ill humour is expressed on the subject. You will, however, believe that I personally should be inclined to forward your views. *Marked* "Secret and separate."

The Marquess of Lothian to the Duke [of Rutland].

1786, November 17. Farnham.—I enclose a letter from Drouly. I do not press you to ask the lieutenant-colonelcy of the Royals for him, but should be glad if you would write him a line enclosed to me to prove your wishes to serve one whom I have so warmly recommended to you.

Lord Sydney to the Duke of Rutland.

1786, November 18. Whitehall.—I have laid before the King your letter (private) of the 5th inst. His Majesty was very reluctant to extend the leave of Major Dalrymple, and I believe nothing but his wish to gratify you would have made him comply with your request. Three months additional leave will be granted to enable Major Dalrymple to sell out, but His Majesty expects that in this, as well as in every other transaction of the kind, his regulations in regard to the price of commissions shall be strictly adhered to. His Majesty has not yet come to a decision upon your last list of promotions. *Marked* "Private."

The Earl of Hillsborough to the Duke [of Rutland].

1786, November 20. Hillsborough.—Although you are unable to comply with my recommendation of Major Johnson for the vacant lieutenant-colonelcy of the Royals, I feel grateful for the kind manner in which you express yourself on this as well as on other occasions when

you are unable to comply with the many requests I am obliged to make to you. I ought to mention a matter which has by chance come to my knowledge. "A number of clergymen, chiefly Fellows of the College of Dublin either now or heretofore, have formed themselves into a society or committee to defend the clergy of this kingdom against certain calumnies which they pretend have been published against them, and to propose a Bill or Bills to be laid before Parliament for the preservation of their properties, rights, and privileges, and they have written circular letters to the archbishops and bishops desiring them to assemble their respective dioceses in order each to appoint a deputy to join their committee. These gentlemen seem to have much more zeal than understanding, and meditate the most probable method to render the southern attempts to foment discord and confusion of real and important consequence, which, if allowed, will probably die away of themselves, with a little spirited interference of Government."

The Duke of Rutland to [Lord Sydney].

1786, November 25. Dublin Castle.—Stating the grounds on which his recommendation of Major Coote and Major Howe was based, and his general attention to the interests of the army; but strongly disclaiming any wish to insist on military promotions which His Majesty may not approve, and submitting himself absolutely to the King's judgment. *Draft.*

Thomas Orde to the Duke of Rutland.

1786, November 28. London.—I have been alarmed by an attack of illness on my way from Bath, but am so well recruited that I mean to go to St. James's to-morrow, and immediately return to business. Sir Richard Jebb encourages me to feel secure against a return of danger.

I am sorry to find the unpleasant subject of the Whiteboys in your letter of the 14th instant. "Your Grace does not absolutely agree with me as to the *facility* of the approaching session. I must have strangely lost all recollection of my own conceptions if I could have represented them as in any wise confident of an easy session. I indeed ventured to hope . . . that there might not be so much difficulty as I had at first apprehended, and chiefly because I was led to suppose that the clergy would appear in a most favourable light in the report of any distresses which the poor might be found to labor under, or to have in some degree a right to complain of. It has always struck my mind that the great impediment to any accommodation would arise from the opposition of the clergy to such arrangement as a demonstrable proof of present hardship and oppression in the mode of collecting their tythes might, perhaps, require for the reasonable alleviation of the suffering poor. I did, however, likewise believe that the outcries against the resident clergy were ill-founded, and consequently the outrages against their persons and properties more unjustifiable on that account. This turns out to be the case." "But I look in the one case to the little real probability of any tendency to conciliation while so much mistaken pride, prejudice, and impracticability influence the minds and tempers of even the most moderate chief ministers of the Church. In the other case, I consider the impossibility of suffering the clamor or violence of insurgents against the laws not only to have any weight in producing propitiatory measures, but even to pass without controul and chastisement. What, then, is to be done?" "I conceive that, at all events, an apparent

submission to the laws must, in the first instance, be accomplished, so as to justify any measure of conciliation. I can hardly see a prospect of such an event in time for the operations of this session. In that case, the only object to look to will be our force out of doors to execute the more penal laws which we must make within."

"I am sorry to hear of any complaint of the clergy against Lord Luttrell. I had not supposed that to be the case. The Primate held rather a different language. But I ought to have declared at once my opinion in entire concurrence with your Grace that the Primate must be *here* to talk with Mr. Pitt, and then *there* to act with your Grace. I had much conversation with him, but to no great purpose except to agree that the nature of our measures must be resolved upon *here*, and for that reason I had thought of desiring Mr. Pitt to send for him before I received your Grace's commands to suggest it. He will certainly attend, and I cannot doubt of his going over to Ireland. He has received several petitions from the suffering clergy in a style of complaint and demand of redress from Parliament. I entreated him to concert with Government any answer he might make, or other steps he might wish to take upon this matter. I wish it were possible to prevail upon him to give up some of his prejudices and to talk with his brethren upon the only wise part which they can take, of manifesting their moderation and desire of smoothing such difficulties as arise from the partial consideration of their interests in a question, wherein the peace of the kingdom and the security of the whole Protestant Establishment is involved. I really believe it to be true, although almost impossible to persuade him and his brethren of it, that both the private interests of individuals and the general welfare of the Church might be advanced by their relaxing in some degree from their bigotted horror at any alteration. But then it must seem to come from themselves, and would befit their character as ministers of peace. I have hardly any hopes even from Mr. Pitt's eloquence, which, however, it must be adviseable to try upon the Primate, and may have good effect on several accounts. Upon the whole, in my present notion of the business, there will be no possibility of doing anything during the ensuing session. At all events I see the force of your Grace's earnestness to have the Primate in Ireland, and I am confident that Mr. Pitt will make a point of it. I wish that the Archbishop of Cashel was here that he might be a little cooled as well as the Primate encouraged."

The report of the judges upon the general possession of arms, which the Popish poor make their great object, is extremely alarming. I can only suggest the idea of keeping on foot, in such counties as require it, a sort of police guard of horse and foot, to be paid by the county.

I will follow your instructions as to the succession to regiments of dragoons. I understand it to be decided that Cunningham will have the first; Lord Luttrell's present engagement will aid his pretensions to the next. You may be assured that I will, in the strongest possible way, press on Mr. Pitt your private requests in favour of Captain Molloy and others.

Lord Bellamont's pension has not yet been sanctioned. Notwithstanding my earnest solicitations that it should be granted forthwith, Mr. Pitt wished to write to you about it. *Marked* "Most private."

Sir Joshua Reynolds to the Duke [of Rutland].

1786, December 2.—"I did not receive your Grace's letter till to-day, though dated so far back as the 13th November, kept back by contrary

winds; ten packets arrived at the same time. The picture has been finished some days and waits only for the frame, which the frame-maker says will require eight days longer. Mr. Burke gives me such an account of the young ladies that I dread the comparison of the originals with my copy. Mr. Burke is very much pleased with his tour to Ireland, and speaks much of your Grace's great politeness to him. The voyage did not agree so well with his son; he was sea-sick in his passage over, and has continued ill ever since.

"I sent to Mr. Hill to enquire about the prints and books, which I find were sent away some time since. He supposes they are arrived by this time. I looked at the prints before they were packed up; I was mortified to see such trifling ornaments published with so much pomp, merely because they are antique or painted by some of Raffael's scholars in the Vatican. An indiscriminate admiration for everything that is antient appears to me full as prejudicial to the advancement of art as a total neglect of them would be.

"Prince Rezzonico was much mortified, he said, to see the Sacraments of Poussine in England, and for the same reason that you (speaking to me) may be glad; 'But I must write to my brother,' said he, 'who is Secretary of State, that he should reprimand the inspectors for suffering those pictures to come out of Rome.' Some time after this, Lady Spencer told me that in consequence of this smuggling it is now death to attempt sending pictures out of Rome without being first examined."

Edmund Stevens to the Duke of Rutland.

1786, December 3, Sunday. Newton Toney.—Communicating in confidence the circumstances which have led him to refuse the post of equerry to the King; and soliciting the Duke to obtain for him a more suitable appointment.

Enclosed in this letter are copies of (1) *one from the Prince of Wales, dated July 7, informing Lord Southampton of the necessity to which he is reduced of dismissing his household, and* (2) *correspondence in the following November between Colonel Goldsworthy and Mr. Stevens, in regard to the proposed appointment of the latter as Royal equerry.*

The Marquess of Lothian to the Duke [of Rutland].

1786, December 3. Farnham.—Concerning the purchase of a commission for Lord Ancrum; and aides-de-camp's batons.

Daniel Pulteney to the Duke [of Rutland].

1786, December 6. Fludyer Street.—Adverting to the neglect of his claims shown in the disposal of Government patronage, and to Mr. Orde's omission to press them on Mr. Pitt. It is reported that Lord Mansfield will soon retire. The Bar and the Bench wish for Buller as his successor; but I do not see how the claims of Sir Lloyd Kenyon can be put aside.

Thomas Orde to the Duke of Rutland.

1786, December 6. London.—We are considering the operation of the French treaty. I wish Beresford or Parnell had been here. Eden will return to Paris next week. I send Hamilton some queries which should be answered fully.

The Primate has at last consented to come to town, and will be here on Tuesday next. We shall then take into consideration the question which is of chief importance to your Government. I must be furnished with all the projects which have been laid before you. Lord Luttrell, the Bishop of Cloyne, and others, have, I believe, made their reports to you. I shall put together a short statement upon the subject for the Cabinet. Lord Camden told me at St. James's to-day that he had received a very alarming letter from the Chancellor [Lord Lifford] upon those commotions. He had particularly expressed his apprehensions account of the arms in the hands of the Catholic rabble. I find by a letter from Mr. Hamilton there is some doubt of this fact, as Lord Luttrell had asserted the contrary. The Chancellor also wishes his son to be a Serjeant; Lord Camden said *Prime Serjeant*, but that was certainly a mistake. I ventured to throw out a hint of your good dispositions towards the eldest son in the Church, and to express a hope that this might prove a satisfactory compromise, as you had so many claims upon you in the Law. Lord Camden thought this very reasonable, and advised it to be the answer to be given to the Chancellor.

"Lord Sydney acquaints me with the very great satisfaction with which your Grace's letter was read in a certain quarter on the subject of military promotions. He means to try his address in carrying through Major Dalrymple, and the ensigncy for Mr. Beresford.

"I should almost suppose that your Grace had not read a letter, which you sent in your former despatch, from Col. White, as some expressions in it cannot be shown without creating much risk of displeasure." He writes to Sir William Boothby that the captains in the regiment cannot purchase because *they are not able to come up to the price which your Grace is determined to obtain for Major Dalrymple.* I need not make any further remarks on such a passage, and on its probable effects. *Marked* "Private."

Thomas Orde to the Duke of Rutland.

1786, December 11. London.—I have not yet had Mr. Pitt's ultimate decision upon the subject of Lord Bellamont's pension, but I can hardly doubt of his being resolved to carry its through as an object of anxiety to you. I am glad to learn that you approve of the idea of a general Police Bill, or such a one as may be put in force in Munster. It has always struck me as preferable to a Militia. I shall be impatient for your orders to talk to Lord Pery and Lord Earlsfort upon the subject. I am anxious about the conduct of business in the House of Lords in the next session. The situation does not admit of entire confidence in the Archbishop of Cashel. Lord Earlsfort in his wantonness threw away his consideration and consequence. The Chancellor is not well circumstanced for directing the business of Government. Lord Carysfort will appear in the ensuing session. I have seen him, and doubt not of his support, but he has felt himself slighted by not being recommended for promotion in the peerage. I gave the Provost clearly to understand that he owes his seat at the English Council Board to your recommendation. "I will not suffer Mr. Pitt to be ignorant of your Grace's sentiments about Pulteney and Molloy. He has assured me that he will take care of them. He does not think that he has neglected any opportunity where he could consistently have provided for them. I will, however, obtain as specific an engagement as possible from him."

"The Primate will, I trust, be here tomorrow, and we shall proceed forthwith on the consideration of the important subject. I sent to Mr. Hamilton a sketch for your Grace's consideration, of the principal points upon which information and instructions are wanted."

"It will be of great consequence to have a full meeting of friends at the opening of the session. Your Grace will, of course, speak to Lord Shannon, Lord Tyrone, and others, and desire letters to be written to such as may be prudently addressed."

Postscript.—"I have enclosed to Mr. Hamilton a sketch of a Speech for your Grace's consideration." *Marked* "Private."

Thomas Orde to the Duke of Rutland.

1786, December 16. London.—I called upon Lord Mansfield, in obedience to your instructions, but have been unable to see him. He, however, sent me the enclosed note. I hear that his life is drawing to an end. I write this in Downing Street, where I am waiting by appointment for a long conversation with Mr. Pitt upon all subjects, public or private, which concern your Government or interests. I expect the opinion of the Cabinet upon some points to be submitted to it, on Tuesday or Thursday, and *fix* my departure for Saturday next. I feel much confidence about my health.

I am well satisfied with your opinion, conveyed in Mr. Hamilton's letter, upon the Whiteboys. I have put down my thoughts upon an extended scheme for police; and if this can be carried into effect, you may determine at ease the propriety or expediency of any measure tending to settle a better means of income for the clergy. *Marked* "Private."

The Same to the Same.

1786, December 18. Sudbury Green.—I now enclose the note from Lord Mansfield which I omitted in my last. "Mr. Pitt is gone to the country to talk with Lord Camden and Lord Chancellor upon the subject of the commotions in the south. He returns to town on Wednesday, that he may, in the Closet, mention the result of the different opinions previous to my going in. He has on that account desired me to postpone my day of taking leave till Friday, still, however, engaging that a Cabinet will be held on Thursday so that I may yet be enabled to accomplish my intentions of beginning my journey on Saturday. I was not sorry to seek a quiet retreat for one day before my departure. I have been rather hurried for some days, and my foolish nerves are put into awkward agitation by it.

"I have yet nothing of decision to communicate to your Grace upon any matter of importance. I find Mr. Pitt more anxious than usual to have the support of other opinions than his own, and I think I perceive some doubt mixed with his sollicitude in regard to the sentiments of the Chancellor. The Chancellor is a great champion of the Church, and being no œconomist of his words, he declaims most wrathfully against any attack upon that sacred order and their fullest rights. I perceive, on the contrary, that Mr. Pitt has encouraged himself to hope that some alteration may take place *at a proper time* upon the subject of tythes. I take for granted that the meeting on Thursday will be very serious, and I shall, of course, seek to make it decisive.

"Rumors again prevail of changes, but I can discover no certainty of the arrangements so much talked of. Lord Carmarthen is better and

Lord Sydney seems to be as fixed as ever in his seat, yet Lord Hawkesbury is said to be on the eve of obtaining the seals. I cannot believe it. I am convinced that it would occasion a great convulsion. Eden is gone upon his return to Paris, and, since I have seen him, I do not wonder that he should have refused the vice-treasurership, because he really seems to have lost all temper and decency in the wildness of self-complacency and pretensions. I cannot, however, suspect great encouragement in a certain quarter, as I know him to be no favorite with Lord H. Yet his greatest chance of success and consequence seems to be from his supposed influence with Lord Carlisle, Lord Loughborough, Lord Stormont, &c. They are confidently spoken of as in treaty for offices. They have been lately much at Court. But it is to be remembered that this is the usual season of pretended changes and new arrangements in administration.

"Mr. Pitt has promised to press the approbation of the pensions on Wednesday, and hopes to succeed with Lord Bellamont's." *Marked* "Private."

S. Hamilton to the Duke [of Rutland].

1786, December 19. Dublin Castle.—Concerning the Lord Lieutenant's speech at the opening of a new session of [the Irish] Parliament.

Henry Dundas to the Duke [of Rutland].

1786, December 19. Wimbledon.—It having been rumoured to me that your friendship for my nephew is likely to make you do in his favour what would be rather disgusting to an officer of merit in another corps, let me beg you not to do it. Besides, would it not be as well for him to join his regiment on service for a season or two?

The Earl of Tyrone to the Duke [of Rutland].

1786, December 20. Curraghmore.—I shall, as you think it right, sail at the end of this week for the opening of the English Parliament, and shall return with all possible expedition. I trust you will forgive my having forwarded a memorial from a particular friend, as to his agreement with the Barrack Board.

George Y. Kendall to the Duke [of Rutland].

1786, December 20. Paris.—Concerning a shipment of wines for Dublin Castle. There are 500 bottles of Sillery Champagne of the very best quality in the proprietor's possession; 300 bottles of Hautevillers Champagne, the growth preferred in Paris to any other; I had it directly from the prior of that convent by the Archbishop of Narbonne's intercession; if it is not perfect of its kind, the prior must be damned for perjury, for he has solemnly declared it to be so; 100 bottles of Chambertin from le President de Grosbois's own cellar; 300 bottles of St. George from the very cellars of the Chapter of Nuits; and some bottles of Morachais, the very first growth of white wine in Burgundy."

"Baron Power has charged himself with your shoe-buckles; they cost seven louis."

Accept my thanks for the beautiful print you kindly sent me. I imagine the treaty of commerce will be severely criticized by Opposition both in England and Ireland. I am convinced the Ministry here have acceded to it more from a desire of preserving peace than any other consideration, as the measure is far from being universally liked here.

The Earl of Hillsborough to the Duke [of Rutland].

1786, December 22. Hillsborough.—Enclosing a letter from Major Johnson, in reference to his application for a favour which the Duke had been unable to confer.

S. Hamilton to the Duke of Rutland.

1786, December 22. Dublin Castle.—I enclose the copy of a letter which I have assumed your authority to write. Shall I ask Mr. Ryves to enquire into the condition of Dunn's wretched widow and children, that, if they be in poverty, an allowance may be made to them?

With this is the press copy of a letter from S. Hamilton to Mr. Ryves, in answer to a letter giving an account of the murder of Dunn by Whiteboys.

The Duke of Rutland to [W. Pitt],

[1786, December?]—Concerning the proposed Bill for carrying into effect the French treaty. "You will give me great pleasure by enabling me to communicate the first intelligence to Parliament of the favorable conclusion of the Portugal negotiation. Forward it to me as soon as you can, and do not let it be published from newspapers or made known by votes of your House before the Government here can have the credit of announcing it." *Unfinished draft.*

[The Speaker] John Foster to the Duke [of Rutland].

[1785 or 1786.]—"I will not trouble you with waiting upon your Grace, but beg leave to take this mode of returning my most grateful thanks for your great kindness and allowing me to alleviate the miserable feelings of a very worthy woman with twelve children. No pension was ever better timed."

The Earl of Belvedere to the Duke of Rutland.

1787, January 15.—Urging his claims to the consideration of the Lord Lieutenant, and requesting a pension for his wife.

The Earl of Mornington to the Duke [of Rutland].

[1787,] January 16. Hertford Street.—By an account I have received of your visit to St. George, I am glad to find my friends at Trim so well understood their duty to you. As a burgess of Trim I must thank you for the honour you have done to the corporation by accepting the freedom of the borough.

"I should some time ago have returned my thanks for a very kind letter from your Grace on the subject of my brother's commission, but that I have been under the necessity of waiting for my mother's decision

before I could trouble you. My brother is to return soon from Angers; untill his return, I should wish to give him the chance of any ensigncy or cornetcy falling in your Grace's gift, according to the first proposition which I had the honour to submit to you. And therefore, if you please, he will stand on the same footing that he has stood on hitherto till he comes home, when I will take the liberty of informing you in what manner you may execute your kind intentions to assist him according to the tenor of your letter, if he should not be so fortunate as to find some commission open for him at his return."

Stating the case of Captain Fortescue, a naval officer, who laid out his savings on an annuity, and endeavoured to cover the investment by an insurance, which had become void by an involuntary misstatement as to the age of the life insured; and suggesting an arrangement of pensions to meet the case. I hear from my friend Mr. Pomeroy (Lord Harberton's son) that disparaging statements have been made as to the circumstances of my acceptance of office in England. As you know the circumstances, I mention this to you that you may, if you think fit, take an opportunity of counteracting the slander. Mr. Pomeroy has asked me to express my good wishes for Mr. Carden, whom he has recommended for a baronetcy. I wish you a shorter and more quiet session than we are likely to have here. "Your own firmness will prevent you from yielding one inch on the subject of tithes. I own I feel no mercy, not a drop of compunction, for the savages of the south; the sword is the best reformer of such abuses. I have often thought it would be a favourable moment for an augmentation of the army; you must have a constant force in that part of the country for some time to come."

"Eden is to return for the discussion of the treaty, which I suppose will not be till about ten days after the meeting [of Parliament]. The Bishop of Durham is at the point of death. Lord Carysfort is to be married to Miss Grenville, Lord Buckingham's sister. This, I think, is all the news of this week, excepting Colonel Hotham's having left the Prince of Wales. The cause was that Hotham, being the Prince's treasurer and responsible for all his money, did not chuse to take the money from a banker in whom he had great confidence, to place it with one of the Prince's naming, with whom Hotham had no connection. The King has provided for Hotham. I suppose you know that Lord Carmarthen's motley dinner is really to take place; his line is *all* who have been secretaries in his department, and all who have been Ministers abroad—this composes a curious list."

Daniel Pulteney to the Duke [of Rutland].

1787, January 16. Fludyer Street.—I am returned to town in obedience to Mr. Pitt's circular, but I have little expectation that he will confer any benefit upon me, unless in response to a serious personal application from you. "The conversation I hear at present is that Opposition propose to themselves some mischief from the treaty, but are not at all decided respecting the Prince of Wales; Fox, as I conceive, pressing it of all things, and the country gentlemen being very shy about it, though probably if Fox was really in earnest he would find some means to bring over the others."

Memorandum [by Mr. Orde].

[1787,] January 17. Wednesday.—Concerning Lord Belvedere's request of a pension for his wife. "By giving the pensions to the

ladies, their husbands become in a great degree liberated from the bond of attachment to the King's Government, and hitherto, therefore, *very few* have been granted to them." Lord Arran has written a foolish letter in answer to mine. I shall lay them both before you. Lord Carysfort wants to be recommended for an earldom, without the previous step of viscount. If this would bring on other claims, he is probably not of consequence enough to involve yourself on his account. As to Sir Lucius O'Brien, I am afraid of 1,500*l.* as encouraging other claims. But his case is of a very special character.

Daniel Pulteney to the Duke [of Rutland].

1787, January 18. Audley Street.—I enclose to you an extract from a pamphlet against the treaty, entitled, *A Review of the Commencement of* 1787, which has been *overlooked*, I think, by Sheridan, as the inflammatory insinuations respecting Ireland will, I suppose, be abundantly aggravated there. Stanhope says the Prince and Fox were yesterday puffing it at Lord C. Fitzgerald's. I should think the Prince will try his question this year, as his emissaries are using all methods to swindle votes; but he is so very weak from the company he lives in, and probably from the jealousy of the Duke of Portland and others of that family, that nobody of consequence will be much inclined to support him. Hotham's resignation was, I hear from pretty good authority, occasioned by a suspicion of the Prince's connexions with Hammersley not being quite consistent with his trust deed. The Prince offered him 1,000*l.* a year, and he accepted the same sum from the King as a pension of more propriety; though I have not heard a word on the subject from his successor, who, whenever I meet him in the streets, only shakes his head and shrugs up his shoulders.

Until personal reflections are thrown out against you, or I have any communication with the Treasury people, or authority from you, all my eloquence will be damned up in canals and turnpikes; though if you would give me any commission, I think Mr. Flood is so low that I might safely enough abuse him, if ever he introduces Irish subjects in an English House of Commons.

I know it to be the case "that the French admire beyond all things the fineness of the Irish linen, which I daresay will have an immediate sale there. They are so nice on this article that a *blanchisseuse* of credit will not send home an Englishman's linen under a fortnight or three weeks' whitening; and on my complaining of it to a Norman servant, he said he believed she made a show of it."

The Marquess of Lothian to the Duke [of Rutland].

1787, January 22.—Thank you for thinking of Drouly. "I left London the day after the birthday, and heard no news but what you must have heard. There was, however, one particular ministerial dinner that His Majesty wished me to dine at, and I overheard him say to several people that it must be brought about by some means or other. I could not at first comprehend his *royal* meaning, but after the Levée he let me into the secret, for he told me Lord Carmarthen had invited Mr. Fox, Lord Stormont, Colonel Fitzpatrick, Lord Lansdown, Lord Buckingham, the Duke of Richmond, and part of the Administration to dine with him. I confess I should have liked to have dined there. Most of them sent excuses except Lord Stormont, Fox, and Fitzpatrick, who

dined there. I have heard nothing more about it, but conclude Lord Carmarthen must be rather out of his senses, and perhaps will be soon out of his employment if he goes on so *commically*."

Daniel Pulteney to the Duke [of Rutland].

1787, January 22. Fludyer Street.—Sutton and I commenced our attendance in Parliament this evening. I hear no murmur amongst any of our own people against our main object, the treaty. Sheridan means, I understand, to move for papers, and if Pitt thinks necessary to grant them we may have a tedious, but not dangerous, session. Lord Tyrconnel, whom I saw in the House, says there has been a most partial mortality amongst his supporters at Scarborough. People were discussing the pamphlet I mentioned to you *as pleasing the Prince exçeedingly*. There are various guesses at the author. Wraxall, on whom I fixed with certainty, assured me he knew nothing of it, but I was not quite convinced. Scott, who is supposed to have employed the author, proved from two or three passages that he is not an Englishman, and guessed De Lolme. Others guessed Hamilton; others Jekyll. The consequences of it will be favourable to Ministry in clearing up objections to the treaty and preparing people for Hastings' acquittal, which was always necessary, but which Pitt hardly knows how to bring about.

Lord Sydney to the Duke [of Rutland].

1787, January 24. Whitehall.—Concerning certain military promotions. *Marked* "Private."

Daniel Pulteney to the Duke [of Rutland].

1787, January 27. Fludyer Street.—Everthing is quiet in Parliament. There is no serious opposition to the treaty from any class of manufacturers. The pamphlet of which I sent you an extract was written by O'Bryen, with some hints and corrections from his employers. A constituent tells me it is the opinion of the borough at Bramber that you are so liked in Ireland that the King cannot let you come home any more. From a supposed resemblance to the Duchess of Rutland, added to her singing, "Mrs. Billington is making the town distracted."

The Duke of Beaufort to the Duke [of Rutland].

[1787, January or February.]—In the interest of Lord de Clifford, to whom Lord Vernon and myself are guardians, I must ask your concurrence and assistance to have the ports of Strangford and Kinsale added to those which are permitted to import goods by the Revenue Bill now passing in Ireland.

C. F. Sheridan to the Duke [of Rutland].

[1787, February?] Sunday morning. Hillbrook.—I have been employed in putting the plan respecting tithes into a form to lay before you, and hope to wait upon you with it to-morrow morning.

Daniel Pulteney to the Duke of Rutland.

1787, February 2. Fludyer Street.—Mr. Pitt's levée yesterday was much crowded, but more, I think, with clergy and lawyers than with members of Parliament, and the East Indians were all absent to a man. If it were not for such steady supporters as Sutton and myself, the friends of Mr. Hastings in Parliament, who amount to about 40, and who are always in town, would be more open in their enmity, and might make the Minister uneasy. "Mr. Pitt inquired when I had heard from your Grace; said you was prepared to meet Parliament in great spirits, he had heard, but had suffered a little in preparing for it at Colonel St. George's."

The Same to the Same.

1787, February 6. Fludyer Street.—"Yesterday's debate having occasioned some degree of attention, not so much from the importance of the subject as from the Opposition having mustered all their strength for a previous tryal on the treaty, I have troubled your Grace with the numbers, which were 213 to 89. I know not whether the papers will mention it, or whether it is unknown to your Grace, but Mr. Pitt, in answer to some teasing questions from Fox, said the Portuguese Minister here had received full powers to negotiate at London everything respecting a continuance of the Methuen treaty. I hear from others, and see by his notices of motions, that the interruption to the Methuen treaty and the Portugal trade is the point where Fox means to make his stand; without, indeed, a shadow of authority from a single manufacturer, it would be difficult for him to pick up a pretence of objection here; and even upon that subject, and though he gives out in private that he could almost impeach Lord Carmarthen for neglect in office if he had not been bribed, I suppose, by the dinner, his commercial arguments will not be worth much attention if Brook, Watson, and others' data are true, which I heard yesterday during the division, and which, when the main question is argued, I shall very minutely report to your Grace. The question itself really appears so advantageous on our side that I should certainly think it a good one to take some part in if I was not sure I should get into some invective against Fox. Though this is perhaps the best and only service I could do Mr. Pitt, I really do not know that it would be approved of by your Grace, against whom, in all their libels, the coalition people have been very cautious, and having received many civilities from Fox, and having no connection by place as yet with Ministry, it would appear perhaps offensive even to our own friends. But though I have received many civilities, I never received any obligation in my life from any of that set, and if your Grace was attacked, or I had any justification from office, I have certainly no other restraint from being as abusive as they are whenever I thought it would be usefully introduced in argument, according to their present manner of debating all sorts of questions."

Amongst the news of last week was Madame Polignac's disgrace with the Queen of France and expected arrival in England to form a female treaty of opposition, I suppose, with the Duchess of Devonshire. An old acquaintance and an old rival of yours (Topham and Andrews) have set up a newspaper called the *World*. Stanhope tells me Tickell was employed to answer the Review, and has done so in a pamphlet called *The People's Answer*, an unequal reply to Wraxall's attack on the Prince of Wales, but in some parts lively enough. I have no doubt

now of the review being Wraxall's. I should not have taken the trouble to mention this review twice if Stanhope had not told me he heard from Lord Chatham that I had been mentioned as the author.

The Earl of Chatham to the Duke [of Rutland].

[1787,] February 8. Berkeley Square.—Recommending an officer for some appointment in Ireland. "Everybody is full of Sheridan's speech on Mr. Hastings' business. I really think it, without any exception, one of the most wonderful performances I ever heard, and almost the greatest imaginable exertion of the human mind. The very fair part taken in it by Government seems to give very general satisfaction. I never expected it could come up to our House, but I now begin not to think it impossible. The commercial treaty is likely to pass triumphantly, as all the efforts, which have been made with wonderful zeal and industry, to raise a clamour against it have proved most completely abortive. I am as yet uncertain as to the time it may take in its progress, and of course undecided how soon I can get out of town, but I am very anxious to get a little more hunting this season." I hope it will agree with the plan you have laid down for your expenses to continue the hounds. There has been some very great sport with them since Christmas.

Daniel Pulteney to the Duke [of Rutland].

1787, February 8. Fludyer Street.—"To give your Grace as good an account as I am able of yesterday's business I have done myself the honor to write this day, though we are not yet come to a vote on the charge conducted by Sheridan for Hastings's conduct to the Begums. With respect to the merits of the case, Hastings had certainly been both very precipitate in his conduct in India, and very hasty and unguarded in the account of it he delivered into the House. I conceived very early that Sheridan must succeed in his attack, and hearing from Lord G. Cavendish how much he bragged of what he would do, went down so early as to hear the whole. In a speech of five hours and a half, the longest they say ever delivered in Parliament, he never received any signs of inattention, and fully confirmed me in what I think I mentioned to your Grace last year, an opinion that he is, in point of *speaking*, superior to Pitt and of course to Fox, though as they have both so many other superiorities over him, they did not scruple yesterday to allow that it was the ablest speech ever delivered within those walls, which was Pitt's expression; and Fox said all that he had ever read, ancient or modern, vanished to nothing on a comparison with it; though I think at the close, which he had apparently studied, he was a little too theatrical, and did not conduct his flourishes as well as he did his arguments."

I must explain to you the embarrassments Pitt appears to be in respecting these East Indians. "I believe it is his own opinion that Hastings should be at least charged by the House of Commons; and, if it was not, he is surrounded by so many Wilberforces and Bankss of all sorts in the House that he cannot entirely guide it without much previous consultation and management with them at any time, and perhaps, in the present case, where his situation as Minister is not affected, he cannot influence them at all. On the other side, the King is an eager favourer of Hastings, and Hastings's friends in the House amount to 30 or 40. Dundas, at the same time, was attacked yesterday

by a General Court of Proprietors, and this opposition to the Board of Controul is supposed to be underhand fomented by Hastings, both here and in India. Under all these circumstances I believe Mr. Pitt was yesterday a little embarrassed how to act, not fully knowing what impression Sheridan's speech had made on the votes of the House. I heard P. Arden say he had promised to answer Sheridan, but a new member, Mr. Burgess, in a long, insignificant speech of an hour, for which he was coughed down when people returned from dinner, furnished Pepper with a very lucky escape, and left Pitt a little time to consider what to do. As nothing could serve Mr. Pitt so much, I proposed to Mr. Hungerford and Mr. Bellingham to join with me and cry out to adjourn, as it was then past 12 o'clock; even Lord G. Cavendish, who was near us, joined in the cry, which brought up Fox, and then half-a-dozen babblers, and at last Pitt himself, to discuss the question of adjournment, which they talked upon long enough to make it absolutely necessary. Pitt will of course have all this morning to decide finally what he will do. Dundas told Basset in my hearing on coming out of the House, he did not know what Pitt's opinion was, but his own was neither entirely with Sheridan nor entirely against him; and I conclude from appearances we shall have as curious a scene of acting this evening as most other Ministers have exhibited on India delinquents, however uniform they have been as to the delinquency itself." Although Mr. Pitt is under a temporary embarrassment as to the precise line to take, the question itself in no way affects the stability of Ministry; nor, if Mr. Pitt is at last obliged to a junction with Opposition on the subject, will it be for any other purpose than to frighten the East Indians, and to employ Burke, Sheridan, and their friends as the scarecrows for that purpose. My own line of action shall be determined by Pitt's speech.

Daniel Pulteney to the Duke [of Rutland].

1787, February 9. Fludyer Street.—"We yesterday voted the fourth charge, and of course I think the impeachment itself against Mr. Hastings. Mr. Pitt's conduct is rather mysterious, but I suppose he knows his own business; he had, as I hear, made a sort of guarded promise that if Mr. Hastings appeared to deserve protection he would not join his prosecutor, and with this the East Indians affected to be very much pleased. During the first debate, as well as yesterday, Wilberforce was perpetually besieging him, and several of our own people clamouring at times with Sheridan from different parts of the House. I believe he really gave up a *part* of his first intention, which seemed to be to lessen the charge to little or nothing, and then give way to it in such a manner as to reserve to himself a right to oppose the impeachment itself. But urged by the opposition at the India House the same day, and by so many of his friends, he yesterday rose amidst the most profound silence I almost ever recollect, and though he spoke with great apparent candor and gravity, did really add some of the weightiest aggravations to what Sheridan had said, and rejecting as great a part of his premises as he well could, he very flatly joined in the conclusion, on grounds a little, though not widely, dissimilar. The real fact was that almost every man in the House could have made out a different argument against Hastings from his own words (as far as his proceedings against the Begums were unauthorised by absolute necessity), Sheridan omitting at once sometimes 40 or 50 different quotations. He had indeed told me at the Bar a day or two before that he could not take less time than seven hours; and though many people in the House might be convinced by Sheridan's speech

merely, it is not to be supposed it gave any new light to Pitt, so I suppose the refractory conduct of the Indians has occasioned an impeachment, so entirely unsuspected by Hastings and his friends. Pochin is come to town, and though several of our friends divided with Hastings, I believe *we* all divided with Mr. Pitt, thinking that if he concurred so openly and unequivocally, it was more to the credit of the Minister that his weight should be quite decisive.

"Hearing nothing from your Grace, till we are honoured with your Grace's presence in England, or your particular instructions, we occasionally consult a little with each other, and can only act for the best. From our constant and harmless attendance, Mr. Pitt ought to know our present value, but if he wished any of us to be more active, and your Grace concurred in it, I suppose we should hear of it in some shape or other. I am sure he is almost every day assured of my attendance by being obliged to draw in his long legs, when anyone passes, that commonly reach from the Treasury Bench to the table."

On Monday we shall proceed with the commercial treaty, and carry it by a large majority.

If Flood knows anything about trade, his best opening for a mischievous speech will be on the treaty, as he may drag in Ireland, and nobody will know whether what he says is true or false.

The political tranquility of Ireland leaves no hope for the Opposition, unless it be in a new coalition with the East Indians, or the King's disgust with the House of Commons leading to an early dissolution.

Daniel Pulteney to the Duke [of Rutland].

1787, February 10. Fludyer Street.—I paired with Adam yesterday, so heard nothing of Fox's allusion to the Irish dispute with Portugal. I find, however, Pitt declared himself resolved to effect what Fox bragged he would have done, namely, compel Portugal to receive the Irish goods.

I was canvassed yesterday by Mr. Beaufoy, who is a Dissenter, and has been applied to by the Dissenters of England "to move for a repeal of the Test Act." His argument with me was that the Irish Dissenters, although not subject to the same disabilities, have an intimate connexion with the Dissenters here, and it would render Government more popular in Ireland if such a favour were given to their brethren in England. Let me know whether it is any object to you to be distinguished with the Irish Dissenters as a favourer of their brethren here.

On Monday the commercial treaty will be debated.

Sir Joshua Reynolds to the Duke [of Rutland].

1787, February 13. London.—"I will not trouble your Grace with the various causes of the pictures of the children and of Lord Mansfield being delayed so long, it would take up the whole letter; I can only say they were inevitable; however, they are now on their way to Dublin. In regard to the Sacriments, I hear people continully regret that they are not to remain in London; they speak on a general principle as wishing that the great works of art which this nation possesses are not (as in other nations) collected together in the capital, but dispersed about the country, and consequently not seen by foreigners, so as to impress them with an adequate idea of the riches in virtu which the nation contains. A thought is just come into my head that if your Grace is determined to send them to Belvoir, to let them stand in the Academy, in a room by themseves, during the Exhibition, to give an

opportunity of their being seen by the students as well as the connoisseurs before they finally leave London. If your Grace has no objection to this scheme I am sure it would be of great service to the artists, both the young and the old.

"I have order'd very handsome frames to be made for them, at ten guineas each, and very broad, which I think gives a picture a more consequential air.

"Mr. Lock's Discobolus, as I have been informed, is not to be sold. At a sale which he had last year of his marbles and models, he bought that statue in; and I am told since that he intends to keep it for the use of his son, who is a youth of a most extraordinary genius in our art, and which his father intends he shall practice, tho he will have a very good fortune at his father's death.

"I have, lately arrived, a modern statue of a Neptune with a Triton, which far exceeds Mr. Lock's statue, or any other in this nation. Your Grace may form some idea of it from the print in Rossi's Statues, if such a book is to be found in Ireland. I bought it of Jenkins, who purchased all the statues in the Villa Negroni, formerly Villa Montalto; the subject is the *Quos ego* of Virgil.

"But the greatest news relating to virtu is Alderman Boydel's scheme of having pictures and prints taken from those pictures of the most interesting scenes of Shakespear, by which all the painters and engravers find engagements for eight or ten years; he wishes me to do eight pictures, but I have engaged only for one. He has insested on my taking earnest mony, and to my great surprise left upon my table five hundred pounds—to have as much more as I shall demand.

"I have enclosed Boydel's proposals and my last discourse, which I hope will meet with your Grace's approbation."

Daniel Pulteney to the Duke [of Rutland].

1787, February 16. Fludyer Street.—The resolution to reduce French wines one third was passed this morning in the Committee, Fox having attempted in vain to accompany it with a similar reduction of the wines of Portugal. His principal object was to gain time for an agitation, and after much clamour for a division, we at length divided 191 to 76, when Fox and his seventy friends immediately left the House, and we proceeded to the main question without them. "Mr. Flood made an elaborate and tedious speech against the treaty, to which I was particularly attentive, from never having heard him before. It was full of unconnected paradoxes, syllogisms, dilemmas, and of all common-place pamphlet remarks put into logic, with some upbraidings, well enough put, to the English manufacturers for grudging to Ireland, without capital, industry, &c., what they were contented to grant to France —the English market." Wilberforce replied, at Pitt's request, but made no great figure, "and he gave Flood an opportunity of remarking upon him with some shrewdness and success; but, upon the whole, Flood's language is so barbarous to an English ear, his manner of arguing so abstracted and void of illustration, and his *tout ensemble* somehow or other so disgusting, that he fell infinitely below my expectations, and will never make the slightest impression on our side, I perceive, nor is he likely, from what I saw, to gain much confidence with the Opposition. He never dropped a single expression respecting the present government of Ireland . . . but he was very warm and violent against Eden, who, he said, owed more gratitude, wherein he had received so many distinctions, than to excite the manufacturers of England one day against suffering the Irish to partake in their markets, and the next to grant without

scruple that indulgence to our rooted enemies. On Wilberforce's remarking, 'Eden as well as the manufacturers were both absent,' he said he knew not why Eden was absent unless to remedy his own blunders; he had known enough of Mr. Eden to have little fear of meeting him on any ground."

Daniel Pulteney to the Duke [of Rutland].

1787, February 20. Fludyer Street.—"I cannot refrain troubling your Grace with an account of a debate, or rather altercation, which arose in the House of Commons yesterday respecting Ireland. Sheridan, in pursuance of his original plan, began the subject by stating that '*as it was an undeniable consequence some new arrangements must take place respecting Ireland, to remedy several ill effects from this treaty*, he desired Ministry to acquaint the House what those arrangements and projects were, without which he contended we were proceeding without the most essential information.' I was surprized Pitt rose at all, as the object of Sheridan's enquiry was well enough understood in the House, and no one on our side seemed to attend to the question. He did, however, rise, merely to say he saw no such undeniable consequences, which furnished Flood with another opportunity of prosecuting his object in this country, which is, I see, to retrieve his popularity, if he can, in Ireland, by appearing here as their advocate, in competition with Sheridan, and I daresay he would be glad to be expelled the House if it were possible to be considered as their martyr. He lamented then, indeed, the situation of that country whose connexion with this was for the future to be of a less intimate nature than it was to be with France. France might come to the English market—she was the *most favoured nation;* Ireland was precluded as an alien. Ireland might then in future go to the French market, as the most favoured nation; of that permission she was debarred in England, where she did not stand in the same predicament. He then threw out a reflection or two on the Irish Resolutions, or rather the English Resolutions as he called them, of '85, with the old comment on emporium, &c. Grenville rose immediately after him with great apparent warmth, which, however, is only his manner, and after stating his near and dear relation with that country, said he lamented exceedingly the rejection of the Resolutions, but *no such* consequences followed as that we were always bound to offer similar terms; at which half a dozen of our wrong-headed friends cried "Hear, hear." The dispute between Grenville and Flood ended by Grenville attempting, in his rapid way, to place one of Flood's arguments in a ridiculous point of view, and Flood's defending it with *real* loss of temper and an assertion to the House that he was not easily browbeaten, at which everyone burst out into a general laugh, and he sat down abruptly in great apparent pique and soon left the House. Fox, however, soon after took up the same ground, and defended it with his usual mischievous dexterity, though when I say mischievous I can only allude to some possible ill effects from it amongst the rabble of Ireland, for as to us it made no sort of impression, being perfectly understood in a Parliament three years old."

The aim of the Opposition is evidently to put the Government in this dilemma. If they can extort a declaration that the renewal of the Irish Resolutions is to follow the French treaty, then the English manufacturers will petition against it; if they cannot, the Irish are to be inflamed by the comments of Fox and Sheridan.

Fox "exaggerated our want of generosity to Ireland in not settling our intercourse with her unless under the guard of the 4th Resolution,

though we had no possibility of such a guard respecting France. And why? Because France had so much to give us in return; whilst Ireland, from that very poverty which this country had occasioned, from that monopoly which we had so long possessed there, had no such reciprocity of a rich market to offer."

Sheridan cavilled at several inaccuracies in the wording of the treaty, which was certainly drawn up by a clerk and not by Eden.

Daniel Pulteney to the Duke [of Rutland].

1787, February 22. Fludyer Street.—We voted an address to the King this morning by 235 to 115. I see the Opposition intend to exercise their right, which I am afraid cannot be contested, of presenting petitions in every stage of the Bills which it will be necessary to pass. I fear when the treaty is discussed in Ireland you will receive similar obstructions. I spoke for some twenty minutes after Mr. Ellis. Being told that I was not distinctly heard in the gallery, I must tell you what I said. "After having mentioned the novelties that had appeared on this occasion of the Chamber of Commerce assuming the functions of Parliament, and Fox's desiring Parliament to interfere with the executive Government respecting Portugal, I recollect perfectly that I said—'and then, as if we were actually invested with that executive Government, up start on all occasions two self-appointed Irish ambassadors running a race for Irish popularity in an English House of Commons. I then said I must, however, dispute their credentials, at which time I first observed Flood had left the House, and, of course, it would have been improper to allude to him, and I said Ireland had neither employed or wanted any representatives in this House. She had a common Sovereign with this kingdom; she was secure in her own dignity and importance. She was secure in the honor and integrity of the Government, both in this country and in her own'; all of which was very well received by our side of the House, and then I returned to the subject of the debate.

"Sheridan rose after me, and instead of any abuse, said I had, adroitly enough was his expression, tryed to turn the debate to the merits instead of the point of order; with respect to Ireland he gloried in being her representative, and he would soon bring on a motion here respecting Ireland, of which he now gave notice (and of which I will acquaint your Grace when I hear more), and after shewing some little pique without anything like wit, he concluded fairly enough by saying that whether Ireland had representatives there or not, the House would acknowledge the Lord Lieutenant had one representative, at least, amongst them."

I was frequently encouraged by "Hear, hear," from Pitt, Grenville, and others on the Treasury Bench. As the debate was an extraordinarily good one, with two or three new and eloquent speakers, I really was very vain of being heard with attention, and complimented so much afterwards by some of our side. But to you I must excuse myself even for this sally, which was truly occasioned by Mortlock's telling me in the morning he was confident you were discontented with the Government because I never spoke in the House. I am, at least, satisfied that my attempt was pleasing to Pitt, by his manner when he met me later in the evening.

The Same to the Same.

1787, February 24. Fludyer Street.—We have heard nothing more of Sheridan's motion respecting Ireland. If he does make such motion,

I expect the previous question will be moved by Grenville or Lord Mornington. I am unfortunate in having incurred the vengeance of two such men as Sheridan and Flood; but I was not disowned by Ministers, having in the course of the debate been noticed by Burke, receiving a flattering epithet from Lord Mornington, and being named by Pitt among the great men of our side, such as Grenville, the Master of the Rolls, and Lord Mornington, manager in a conference with the Lords on the address; which I make such a parade of merely to prove to you that I am not thought to have intermeddled needlessly. I fear Mortlock is becoming more deeply engaged in opposition. I cannot think it was policy in Mr. Pitt to lose him, when he might have been so easily retained. I hear on all hands that he has made himself master of the borough of Cambridge.

Sir H. Langrishe's verses on the Duchess of Rutland have been made known in society here by Mrs. Stanhope, who tells me they are much praised by everybody but Tickell, who, she says, would be jealous of anything good, though it had come from Lapland.

Daniel Pulteney to the Duke [of Rutland].

1787, February 27. Fludyer Street.—Nothing has passed in the House of Commons since I wrote last. The consolidation of the Customs has been gone into without opposition. Yesterday, however, Pitt appeared out of spirits, and the Opposition unusually cheerful and civil; the latter I have always found a bad symptom. "Steele, who if anything occurs amiss always looks like an undertaker, appeared worse than I ever saw him." This may be accident; but it is very easy to assign twenty probable causes for Pitt being harassed; "and he has so little command of himself that I think he always discovers when anything has crossed him." To appearance he had never so great reason to be satisfied, having shown the country that he was not afraid of the East Indians, and having carried, with little other assistance than Grenville's, the business of the treaty with so high a hand. It was thought impossible to conduct anything of trade in the House of Commons without Jenkinson, and our having succeeded so much better without him may have occasioned jealousies.

Mortlock has "told me of Watson's intentions to oppose the treaty, though I cannot conceive it a very proper *debût* for a bishop, and it is one on which he can be no match for his rival, Prettyman."

The Same to the Same.

1787, March 2. Fludyer Street.—I attended yesterday in the House of Lords till midnight, merely to send you an authentic account of what occurred respecting Ireland in the debate on the French treaty. Watson only repeated one or two House of Commons arguments. Lord Lansdowne spoke out fully, and declared that some stricter connection with Ireland must be the necessary consequence of our commercial treaty with France.

The Bishop of Llandaff [Watson], "though he mends a little, appears still more like a preacher than a debater, but his appearance, and the subject he spoke about, and his manner, were altogether, I suppose, unequalled since the days of De Retz or Burnet. He must be in great luck if he is not attacked in print-shops, newspapers, &c., but he certainly gained attention, and, at the close of his speech, declaring his mind was too big to have connected himself with Opposition, he left Pitt an opportunity to buy him back again if he chooses it." He spoke

civilly to me afterwards behind the throne, where he came and re-argued his statements with Wilberforce and other Cambridge acquaintance.

"Lord Landsdown closed the debate with a speech, the most extraordinary I ever heard even from him, and though it lasted an hour or two, and included every possible subject of antient or modern politics, foreign or domestic anecdotes, parties, treaties, abuse, compliment, confidence, and mistrust mingled together God knows how, he took care to balance everything he said in such a manner that no stranger to him would ever have guessed how he meant to vote; but, at last, he claimed all the meritorious part of the treaty himself, and said he should vote for it, at sitting down. He was, however, very successful, and raised a general and loud laugh through the House by saying in his sneering manner, 'Good God, was not commerce subject to *changes?* Did a right reverend prelate think politicks of countries and of individuals did not *change?* Did the prelate think no advantageous *changes* in his own order itself might be suggested to ministers? The right reverend prelate was too wise to be a bigot to any party or any principles,' and then I believe his next step was to Chandenagore and the East Indies, and then to the Chevalier de Pinto, who they said was in the House, and whose country, he said, should be whipped like a child that had been humored too much, and was grown forward; and then he praised great ministers, such as Secretaries of State, for silence, and declared he could hardly sleep the last night from apprehension that either of the Secretaries (who never have said a word this year) might say too much on these occasions. It is impossible to give your Grace any sort of idea of a thousandth part of this curious exhibition, and more impossible still to attempt describing to your Grace Lord Chatham's face, who was sitting next him."

Everybody is surprized with the facility with which everything passes in Ireland, and as we hear the Irish Parliament will rise in April, your friends hope to see you in England this summer.

Lord Sydney to the Duke [of Rutland].

[1787, March 2.] Whitehall.—The commercial treaty has been approved universally, with the exception of the Opposition members in both Houses. Mr. Pitt distinguished himself as usual. Mr. W. Grenville seems to have gained great reputation; little Wilberforce and Lord Mornington each did extremely well. Sir Charles Grey's eldest son seems to have taken to Opposition. He spoke extremely well. In the House of Lords Lord Stormont is eternal. He has spoken better than usual, but has returned to his natural prolixity. Your friend the Bishop of Llandaff has spoken twice against us, the last time with considerable ability, but a good deal of singularity. "But the speech most talked of is one of Lord Lansdowne, in which he by turns attacked and commended both sides, voted for the treaty as very beneficial, but *showed* that he could have made a better. He recommended unanimity, and wondered how anyone could delight in invective. Notwithstanding its peculiarity there were some able parts in his speech, particularly on the Portuguese part of the business, as he directly asserted that nothing but the treaty with France could have brought Portugal to a proper state of negotiation with us. Lord Hawkesbury has spoken with great ability, and showed, as I always thought he would, that he will be a capital speaker in the House of Lords."

"Mr. Pitt has distinguished himself, particularly on the opening of the business of the consolidation of the Customs. Divided as we are

upon other subjects, everybody did him full justice upon that. Upon the whole, his character never stood higher, and I really think that every day produces fresh instances of his superior ability to every other person. Mr. Flood made one indifferent speech, and was ably answered by Mr. Grenville."

My family join me in lamenting the Duchess of Rutland's indisposition. Lady Chatham is with us, and desires to be particularly remembered to her.

We are glad to find the resolutions pass so well in your House of Commons. *Marked* "Secret and separate."

George Y. Kendall to the Duke [of Rutland].

1787, March 5. Paris.—Acknowledging the favour of a pension of 120*l.* conferred on his sister and niece and the survivor, and referring to an accident that delayed the vessel conveying wines from Rouen for the Duke's use.

The Earl of Mornington to the Duke [of Rutland].

1787, March 8. Hertford Street.—"I return your Grace many thanks for your kind consideration of my brother, but on enquiry I have found that the artillery would not be an eligible service for him. In the course of my enquiries on this subject, Sir George Yonge, to whom I spoke, was so good as to offer me an ensigncy in a regiment now in India, which I have accepted. It is not my intention that my brother should join his regiment under all the disadvantages of that station; I am therefore to get a long leave of absence, about ten months, and during that period I hope that your Grace will extend your kindness so far as to assist my brother in the next step, either by giving him the first vacant lieutenantcy (which would be the most desirable favour in his circumstances), or by allowing him to purchase on the first opportunity. Whenever your Grace has leisure I should be much obliged to you for your answer to this request."

I am extremely sensible of your kindness to Mr. Mockler and Mr. Pomeroy. I congratulate you on the prospect of quiet in Ireland. We are going on flourishingly here. Sheridan's speech merits all that can be said of it.

Sir J. Blaquiere to the Duke [of Rutland].

[1787,] March 8, Thursday.—Asking for an interview to make an explanation.

Daniel Pulteney to the Duke [of Rutland].

1787, March 10. London.—Your Grace's long silence almost leads me to fear that my letters have proved so uninteresting to you, that it would be officious in me to trouble you with any more of them.

I have received another pressing application to support a Bill for the repeal of the Test Act, and again request your instructions as to the line you would wish me to take in regard to such a measure, should the Ministry treat it as an open question.

Although Mr. Pitt has given me so much encouragement to take part in the debate respecting Ireland which Mr. Sheridan threatens to raise, I still await with anxiety for some expression of your views on the subject. "I do not consider a letter from Bob Thoroton, full of Latin

scraps, and promising me the *Castle newspapers in order to over-match Mr. Flood*, as at all known to your Grace, but if I could, even that would be more satisfaction than to hear of Topham reading your letters to the printer's devils, and having myself no possible means of knowing your sentiments on the most material subjects."

"Nothing can possibly exist in such an unsupported and uninformed state as your Grace's members seem to feel themselves. I really wish to conceal as much as I can, but G. Sutton, who had only half a coat when I arrived in London in 1784, and who, by his own account, had lain in bed three days on nothing but porter and sallad, and appeared to me as nearly starved as a person could do, must and will, I fear, soon return to the same state without my being longer able to prevent it; though Pochin and Lord Tyrconnel and he are wishing me joy of the great things I am now sure of, which they do by contrasting my conduct with that of Bishop Watson."

Postscript.—"If I had been in a situation for smiling, I could not have refrained on finding Bob Thoroton affecting to conceal from me Mr. Pitt's and your intentions respecting me, to which, as an uninterested party, I am kept an utter stranger."

The Duke of Northumberland to the Duke of Rutland.

1787, March 13. Syon.—Recommending Sir Skeffington Smith.

Dr. A. F. W. Crome to the Duke of Rutland.

1787, March 13. Dessau.—Presenting a geographical work. *French.*

The Same to ———.

1787, March 13.—Concerning the same work. *French.*

S. Hamilton to the Duke [of Rutland].

1787, March 18. Dublin Castle.—Suggesting an alteration in the last paragraph of a letter [to Mr. Pitt].

The paragraph as finally revised by the Duke stands thus:—"I had no positive ground to suppose from Lord Sydney's letter that any important alteration was certainly to be made, and I confidently hope that under the present circumstances none will be thought of. But if I should, unfortunately, be mistaken, you will extremely oblige me if you will take care that I may have the quickest intelligence, indeed, whether any should or should not be thought requisite." *Marked* "Private."

Daniel Pulteney to the Duke [of Rutland].

1787, March 19. Fludyer Street.—I had last week the honour to receive your letter of the 11th of March. Mr. Hill seems well disposed to execute your kind intentions. You are good enough to acquaint me that Mr. Pitt intends making *an early* opening in my favour. I am not much elated by this, as he has made the same profession to you these three years, and could at any time have given it effect in three days. "The plain truth is that Mr. Pitt is on the brink of several difficulties, and one of his main supports is the unexampled

quiet state of Ireland; if, under such circumstances, a pressing application from your Grace is so slighted, I cannot foresee any possible moment when it is likely to be attended to." "I am to repeat to your Grace a conversation P. Arden held with me on Saturday respecting the proposed Presbyterian Bill, which he said Mr. Pitt wished to get rid of in the House of Commons. I told him I rather thought your Grace conceived it would strengthen the popularity of the Irish Government to let your members vote for it," but if Mr. Pitt made a point to reject it, we should of course vote with him. He said he would speak to Mr. Pitt, and let me know what he had determined. "With respect to the latter part of your Grace's letter on English news, Sheridan did not insinuate, or attempt to do it, that your Grace's representatives and the representatives of Ireland were in opposite interests; nor did he say one half the nonsense Mr. Woodfall has made him say on that subject; but the case is that Mr. Sheridan is so connected with all these reporters as Manager, and Secretary to the Treasury, and author, that they are always determined to make him *pointed*, as they call it, in reply, and when they do not understand what he says, they give him any abuse of their own. The same misrepresentation runs through the accounts of the dispute between the Duke of Richmond and Lord Lansdowne, which, though begun with great apparent hatred, was conducted throughout with great civility as to the manner, and ended with a sort of overture from Lord Shelburne to be on more amicable terms together in future. As to Mr. Grey's speech, which was, I suppose, very good for a beginner, I remember only that, after he had spoke ten minutes, I went out to leave a great-coat without having had the curiosity to find out it was a first speech or to ask his name; but I since hear he is really very likely to be a usefull man, though your Grace will easily believe at a sufficient distance even from such speakers as Wilberforce."

The Marquess of Lothian to the Duke [of Rutland].

1787, March 22. Boyle Court.—I thank you for your letter, and am sure it will forward Drouly's application. I wish General Pitt could be prevailed on to write to me upon the subject you mention before it goes too far.

Daniel Pulteney to the Duke [of Rutland].

1787, March 23. Fludyer Street.—Nothing of any importance has occurred in Parliament except a sort of agreement on both sides of the House that Mr. Hastings' trial should come on this year. In your letter of the 11th of this month, you desire that I should point out some place likely to become vacant, for which you would apply, as you suppose that, when vacancies happen, pressing claims are made by people on the spot. "If my prospect is no better than this, I am in a desperate state indeed. . . . Though Mr. Orde is a person an acquaintance with whose character I have long had, and that character literally proverbial at the University for a quality opposite to truth, I do not doubt that peremptory and pressing instructions to him would have produced as sudden an effect in my case as in that of Mr. Ekins. Considering his knowledge of Treasury transactions, his influence with Mr. Rose, with Mr. Pitt's secretary, and others, it is impossible but he can point out much better than I can do, even at present, some train better than a general promise; or, if not, that he could as easily make some arrangement in Ireland for one of your Grace's friends as he

can do for his own. It gives me infinite pain to trouble your Grace, though I have so much at stake, with stating and re-stating what is in everyone's mouth here. Mr. Pitt knows too well your importance to the Ministry, and your services to his family are too well known in the world, for him to trifle on any point in which your Grace was serious."

LORD SYDNEY to the DUKE [OF RUTLAND].

1787, March 24. Whitehall.—Acknowledging the receipt of a letter inclosing a list of five Bills which had been sealed in Council; and in reference to a Bill giving effect in Ireland, on the 25th of March, to the commercial treaty with France, pointing out that the provisions of the treaty could not become operative in France or England until a later date; suggesting various expedients by which the operation of the Irish Bill might be deferred; and stating that that Bill would be held back by the English Ministry until the Irish Government had decided which of those expedients should be adopted. *Marked* "Private."

* W. PITT to the DUKE OF RUTLAND.

1787, March 24, Saturday night. Downing Street.—[*Correspondence, p.* 178.]

The ARCHBISHOP OF YORK to the DUKE [OF RUTLAND].

1787, March 30. South Audley Street.—Recommending his fourth son, David Markham, a lieutenant in the 7th regiment, to the protection of the Duke, and particularly to be allowed to purchase a company.

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1787, March 31. Fludyer Street.—The proposal for repealing the Test and Corporation Acts has been, as I thought probable, opposed by the Ministry. Your friends voted in the division with Mr. Pitt; Lord Lansdowne's friends all voted with the Dissenters; Lord North, though very infirm and more than half blind, spoke long and ably against their claim.

The rumour of Mr. Pitt's intended resignation is utterly untrue. That he is not on good terms with the King I believe I mentioned to you some time ago, but His Majesty must give way at last. On the main vote of the impeachment or not of Hastings, the King's friends and the East Indians will make their last stand, and will infallibly be beaten by a great majority.

As far as I have been able to judge, "Mr. Pitt was not averse to Hastings or unwilling to stifle the affair at the beginning, if his own and his friends' indiscreet confidence had not pressed on an examination. When the affair, however, turned out so much worse than anyone imagined, and Hastings said enough to convict himself, in his own defence, it was quite impossible for the House to vote so palpable a falsehood as his innocence; and on the first decision against him, when he threw himself entirely on the King, and caballed in the India House against Ministry, he only made the affair worse. So the impeachment must inevitably go up, however unpopular I believe it is among all sensible people out of the House." I cannot help thinking this affair will be attended with some present mischief, and may ultimately lead to greater, but Pitt and Dundas have gone too far to recede.

Stanhope told me some time ago that Mr. Grey, of Northumberland, was to move for the payment of the Prince of Wales' debts, and Sir William Lennon to second it. When this comes on I shall, of course, unless otherwise directed by you, follow Mr. Pitt.

The Marquess of Carmarthen to the Duke of Rutland.

1787, April 5. Grosvenor Square.—Recommending Lord Athlone's request to have his son, Lord Aughrim, employed in the King's service. Although foreigners would be precluded generally from employment here, the circumstance of Lord Athlone being a peer of Ireland and entitled to sit in the Legislature will, I hope, render his son—and heir apparent in the peerage—capable of serving the King in a military capacity.

Daniel Pulteney to the Duke [of Rutland].

1787, April 5. Fludyer Street.—"Mr. Sheridan yesterday gave notice he should, immediately after the recess, introduce the whole business of Ireland before Parliament, if not done by Ministry." I request you will let me know if you wish me to take part in the debate.

"From two or three repeated visits lately from Mr. Lyte, to whom I would not be at home until I had acquainted your Grace, I suspect he is employed by the Prince of Wales, as a more confidential agent than Stanhope, to find out what part I thought your Grace would take in his question; but as Mr. Lyte would not proceed without the King's leave, whose sentiments on that subject are, I believe, better known to him than to any other man in England, if your Grace has formed any opinion about the affair, or wishes me to know more of the subject, I can easily do it through the above channel." Stanhope's last account was that the Prince thought he was betrayed by Opposition, and that if he had but two friends in the House to move and second his claims, he would delay it no longer.

Thomas Orde to the Duke of Rutland.

1787, April 5. London.—Concerning the Prince of Wales' application to Parliament. I hear that some doubts are entertained of the general question of impeachment being carried against Hastings, but I have no idea of its being resisted. I have not yet conversed with Mr. Pitt upon your private objects. He is much hurt and distressed about Lord Shannon's application. *Marked* "Private."

The Earl of Hillsborough to the Duke of Rutland.

1787, April 9, Monday evening. Newry.—Mentioning the news of the sudden death of the Dean of Down, and asking to be allowed to name his successor.

The Duke of Rutland to W. Pitt.

1787, April 11. Dublin Castle.—"I find myself under extreme embarrassment respecting a motion which I understand is to be made to increase the establishment of the Prince of Wales. I had formerly, very unfortunately, and with little caution, committed myself upon this subject in such a manner that I fear I cannot under any construction of honour explain away or recede from my declarations.

"I desired Lord Chatham to state this circumstance to you on his return from Ireland last year. I send you the papers which passed between the Prince and myself on the accession of the new Ministry in 1782, by which you will see how impossible it will be for me to take any other line than that of supporting him, at least if he calls upon me for my support. I beg you will let me hear from you immediately on this subject, and I shall depend upon your good offices for explaining it to the King if I should be necessitated to take a step that may appear in any degree hostile to Government and in opposition to His Majesty's private wishes, and as such most extremely repugnant to my principles and feelings.

Postscript.—"I will only observe that Colonel Stevens, whose name is mentioned in this correspondence, was simply a messenger." *Copy, marked* "Private."

A draft of this letter, dated April 10, has been published in "Correspondence between Mr. Pitt and Charles, Duke of Rutland," p. 179.

LORD SYDNEY to the DUKE [OF RUTLAND].

1787, April 11. Whitehall.—Introducing M. le Comte de Brown.

R. HOBART to the DUKE [OF RUTLAND].

[1787,] April 13. Dublin.—"I hope I shall not be considered guilty of too great presumption in renewing my application to your Grace for a favor which from the nature of it cannot possibly be attended with much difficulty. It is scarcely necessary for me to remind your Grace that the favor I allude to is that of an Irish peerage for my father; and as those applications are generally confined to the narrow limits of the rank of Baron, I should not wish to put any restraint of that sort upon your Grace's liberality, but should, with all humility, submit to your Grace that the claims of my family upon your Grace's Government are such (your having done so little for any part of it) that it would reflect severely upon your Grace's discernment, and be inconsistent with our pretensions, to accept of anything under the rank of Viscount; which might, in the course of time (should this country be blessed with a continuance of your Grace's administration) entitle us to an Earldom, which would enable your Grace with the more facility to confer upon us the most illustrious order of St. Patrick. I have only to add that your Grace's acceding to this application will be a cordial to the drooping spirits of an aged parent, who, with the natural infirmities attendant upon her years, has lived to be neglected by most of her old friends; but, alas, has lately experienced a desertion which of all others is the most grievous, because it is irreparable—that of the detestable P——."

Apparently intended to parody the pressing applications for peerages by which the Lord Lieutenant of Ireland was assailed.

* W. PITT to the DUKE OF RUTLAND.

1787, April 14. Downing Street.—[*Correspondence, p.* 180.]

The EARL OF HILLSBOROUGH to the DUKE [OF RUTLAND].

1787, April 15. Hillsborough.—I am truly grateful for your Grace's most kind and obliging letter, and for all the marks of friendship you bestow upon me. I will ask your leave to postpone for a post or two mentioning the person I would recommend for the deanery.

The Earl of Mornington to the Duke [of Rutland].

[1787,] April 17. Hertford Street.—Thanking the Duke for giving his friend Mr. Fortescue the vacant office of Ulster King of Arms; mentioning that this appointment is understood to be intended as a provision also for Mr. Fortescue's brother, the naval officer mentioned in a former letter [January 16]; and making some suggestions for increasing the value of the office in order more effectually to carry out that intention. Recommending Mr. Page, a son of his agent, for an appointment. "I suppose your Parliament will soon conclude the session; we have nothing left that can take any time but the impeachment of Hastings."

Lord Sydney to the Duke [of Rutland].

1787, April 18. Whitehall.—Introducing M. le Baron de Munich, at the request of Count Woronzow.

The Marquess of Carmarthen to the Duke of Rutland.

1787, April 19. Whitehall.—Introducing, at the desire of Count Woronzow, the Comte de Browne and the Baron de Munich, who propose to visit Ireland and make some short stay at Dublin.

The Earl of Hillsborough to the Duke [of Rutland].

1787, April 19. Hillsborough.—"I am just returned from the assizes at Down, where the absence of five or six of our members of Parliament put it in the power of the grand jury to pass some impertinent resolutions relative to the Magistracy Bill, of little consequence indeed, except the last, in which they resolve to desire the high sheriff to assemble the county in order to repeat their resolutions through them, and, in short, to make a noise and a disturbance in the country. I think I have prevailed upon the sheriff to refuse them. I was heartily vexed at the absence of our friends, and did all I could to defeat the malevolence of our enemies, but was beat by one voice. Much management and attention is necessary to keep this turbulent county in order; it has been and shall be my constant endeavour to do it, and have succeeded pretty well for some years past, and, with the assistance your Grace is so good as to give, I do not despair of doing it in future." The gentleman I recommend for the deanery of Down is the Hon. and Rev. Mr. William Annesley, brother to Lord Glerawly, and nephew to Lord Tyrone and Mr. Beresford. He is a very worthy man, and his obtaining this preferment is wished by many gentlemen in this county. He will vacate a living under the Archbishop of Cashel, which before the tithe disturbances was worth 400*l.* per annum, and which he will resign in favour of anyone you may be pleased to name. He has also a small benefice in this county, which I will ask you to allow me to dispose of. Although worth only about 100*l.* a year, it would enable me to carry out a plan very advantageous to the Protestant religion, a necessary object here, where there is as much danger from the influence of Independents and Dissenters as there is in the south from Popery.

[The Duke of Rutland] to W. Pitt.

[1787, April —.]—"I dispatch this by Ross—who delivered me your letter of the 14th—to assure you that I do not doubt your strenuous

exertions to prevail upon the Court of France to abide by the duties on linens as settled by the Irish Act for giving effect to the French treaty, and I cannot admit a doubt in my mind that your exertions will be successful. If it were possible they should fail, I should be at a loss to account for the conduct of the French ministry. Their attempt appears to me to arise from a desire of obtaining credit by improving upon Monsieur de Vergennes' plan, but after what has passed I can hardly suppose they will persist in desiring to substitute a different duty upon Irish linens from that which was settled and accepted. I am well warranted in saying that the satisfaction with which the treaty was adopted by this Parliament was owing to the particular arrangement of this article, and to the same influence may be ascribed much of the good humour of this session, in which many Bills of great importance have been carried. If the whole were now to be set afloat, let me entreat you to reflect how it would shake the faith and the hopes of this country in the present administration of both kingdoms, and how little confidence they would have in future prospects of commercial union. My administration here depends upon it, and I will fairly apprise you that I cannot unsay that which I have said, by authority. The point seems to turn upon the average value of linen manufactured in France and Ireland. Of the former I cannot pretend to speak; of the latter I have made particular enquiry, and find the average of linens made in Ireland to be 17*d.* a yard, upon which $4\frac{8}{20}d.$ the ell would be upwards of 20 per cent. Certainly, if any linens be sent to France, they must be of the finer sorts, but I must repeat to you that this is mere speculation, while the admission of French cambrics into Ireland is an approved certainty.

"You know my affectionate attachment to you too well not to believe that my wishes lie to every possible compliance with your suggestions, but I do not see how it is practicable at this day to depart from what has passed. I hope the business of this session will finish to-morrow. I think it absolutely necessary that Mr. Orde should immediately after set out for London, and he will, I trust, be able to satisfy you so clearly on this matter that I am confident it will be concluded without any further hesitation on the part of the French Court." *Draft: apparently in Mr. Hamilton's handwriting, with some alterations by the Duke of Rutland.*

The Earl of Carhampton to the Duke [of Rutland].

[1787,] April 24.—Thanking the Duke for recommending him to His Majesty for a regiment of cavalry.

Daniel Pulteney to the Duke [of Rutland].

1787, April 25. Fludyer Street.—Concerning the intended motion on the subject of the Prince of Wales's debts; and the health of the Duchess of Rutland.

The Same to the Same.

[1787, April 27,] Thursday, 6 o'clock.—I have this morning received from Mr. Orde, by letter, your instructions, to which I shall, of course, attend to-morrow if necessary; but as there are many negotiations open at this moment, and meetings held between the Prince of Wales, Fox, and Pitt, I think it unlikely now that the Prince's business will come to a vote. From what I hear I infer that the affair is not yet settled, but that it will be so this evening.

Postscript—I know now *for certain* that at the meeting between Pitt and the Prince, the former was liberal of promises on the King's part and his own, but that no specific arrangement was arrived at.

Lord Sydney to the Duke [of Rutland].

1787, April 27. Albemarle Street.—In my last—private—I mentioned the King's disposal of the 5th Dragoons in favour of Lieutenant-General Cunningham. I said at the same time that His Majesty had always intended that the first vacant regiment of Dragoons on the Irish establishment should be given to this officer, though he would never be induced to promise one beforehand. I afterwards mentioned that the same kind of reasoning applied to Lord Carhampton's case; but this must not be considered as anything like an implied promise to him.

I was to-day a short time in the House of Commons, after introducing Lord Tyrone and Lord Shannon to the House of Lords. The proposed motion for the payment of the Prince of Wales's debts met with such a *damper* upon an accidental conversation as may possibly prevent it being brought forward. *Marked* "Secret and separate."

Daniel Pulteney to the Duke [of Rutland].

[1787,] April 28. Fludyer Street.—From yesterday's debate, I apprehend Alderman Newnham will persevere in his motion respecting the Prince of Wales. I hear from Stanhope that Fox and all the leaders of Opposition disapproved entirely of the Prince's application to Parliament. My own opinion is that they are in reality much divided, and that Fox at bottom approves of it as well as Sheridan. As to the line your members would follow, I have always avoided conversation on the subject as well as I could; I have only said that without very positive instructions your friends would not be forward to leave Mr. Pitt and enlist under Alderman Newnham, who, I remember, was an annuity lender, and, I suppose, is only eager to get himself paid some Jewish interest.

W. N. Miles to the Duke of Rutland.

1787, April 28. Liege.—Concerning an application which a friend in Ireland had made on his behalf.

Thomas Orde to the Duke of Rutland.

1787, April 28, Saturday evening. Birmingham.—Smith, the English messenger, has reached me here, and I have taken the liberty to open your letters lest they should contain anything of importance for me to know. I am glad to read the account of proceedings with respect to the Prince of Wales, and particularly the assurance given in Mr. Pitt's letter of explanations, which cannot fail to be accepted as satisfactory. I hope the Prince will have sufficient delicacy to avoid calling on you for the performance of a promise made under particular circumstances. If he does not, I take for granted you will wish your friends to avoid an appearance upon the question. I shall venture to advise this if I do not receive your commands in time. I hope you have sent to Mr. Pitt the letter which Mr. Hamilton drafted. It would be embarrassing to me to appear without your having previously announced me and the

business on which you have thought it right to send me. I hope by this time the Duchess has safely crossed the water and met the Duchess Dowager of Beaufort. *Marked* "Most private."

*W. Pitt to the Duke of Rutland.

1787, April 29, Monday, one p.m. Downing Street.—[*Correspondence, p.* 183.]

Thomas Orde to the Duke of Rutland.

1787, May 2. London.—I have little time to write, as I am detained at Mr. Pitt's and shall be longer detained at St. James's. I have received assurances fully justifying our proceedings in respect to the conditions of the treaty, upon the authority given from hence. Mr. Pitt seems well pleased that you are convinced of his real exertions to conclude the matter favourably. The event places your Administration in a most fortunate condition, and, indeed, I must mention to you the strong declarations of satisfaction which are made here at the transactions of your present session of Parliament. Mr. Pitt still wishes you not to take public notice of the late difficulties in regard to the treaty.

I was in hopes that the unpleasant business of the Prince of Wales would have been suppressed by the check it met with, but I am told that he perseveres. I have talked with Mr. Pitt on your situation, and he seems clearly of opinion that your friends should stay away. He agrees with me upon the impossibility of their taking part against the Prince. He does not, however, think that I myself am bound by your engagements, and he advises me to appear against the measure.

I meet Lord Tyrconnel on Friday upon Scarborough business, and shall on Saturday give Mr. Pitt a lecture upon it, and all your other grievances: Lord Sydney does not yet know how the King will dispose of General Severn's regiment. The common opinion is in favour of Lord Carhampton. General Burgoyne has sent in a memorial of claim. His Majesty has made the most gracious enquiries after you and the Duchess, who, I hope, is safely landed on this side. *Marked* "Most private."

Sir Joshua Reynolds to the Duke [of Rutland].

1787, May 3. London.—"I was very glad to find by your Grace's letter that you wished to have made some purchaces in Lord Northington's sale, particularly portraits of Vandyck. Though I have not bought any of those portraits, I have bought by far the most curious and most valuable part of that collection, which is a sketch upon board, in black and white, of the procession of Knights of the Garter. This sketch authenticates a circumstance that is always mentioned in Vandyck's life, of a project of King Charles of employing him totally on this subject to the exclusion of all other business, but that his demand of 80,000*l.* being thought exorbitant, whilst they were treating for a less sum the King's troubles came on and put an end to the treaty. The sum demanded is incredible. I suspect, therefore, an 0 by some accident was added, which would bring it to 8,000*l.*, and even that would be, according to the value of mony at present, 24,000*l.*

"There were three or four portraits which were called Vandyck, but were certainly not of his hand. I did not think it worth while to send a commission for them. There was indeed a true picture of Claude Lorrain, but not his best, and had been much damaged.

"The sketch which I bought, with a view of offering it to your Grace at the price it cost me, whether much or little, was sold for sixty and some odd pounds. I sent a commission for a hundred. That your Grace may form some idea of it, I have spoilt a print by folding it in order to accompany this letter.

"The King when I accompanyed him at the Exhibition took much notice of the Poussins, more than I expected, as they are of a different kind from what he generally likes. He asked many questions—where they came from? out of what palace? what they cost? and whether there was any suspicion of their being copies? To all which questions I answered to the best of my knowledge.

"I have been often angry with myself for having declined parting with the portrait of Albert Durer, as your Grace wished to have it in your collection. As it is a rare and curious thing, it cannot be better placed and fixed than at Belvoir; I shall therefore take the liberty of sending it with the Poussins.

"I am extremely sorry to hear of her Grace's indisposition; it may be hoped that the change of season may be as serviceable towards the establishment of her Grace's health as the change of climate to which she is so averse.

"I am unwilling to give up all thought of going to Ireland this summer, but am in great doubt whether I shall be able to compass it. I am sure I am, as I ought to be, very much flattered by your Grace's kind invitation."

J. Corry to the Speaker [of the Irish House of Commons].

[1787,] May 4.—Mentioning the amicable settlement of the question between the King and the Prince of Wales, and the consequent interchange of amenities between the leading members of both parties in the House of Commons.

Daniel Pulteney to the Duke [of Rutland].

1787, May 4. Fludyer Street.—"Mr. Lyte acquainted me this morning, after Newnham's motion was withdrawn, that from his knowledge of both parties he was confident everything was now settled between the King and Prince *bonâ fide*." What Mrs. F[itzherbert] can do in her present embarrassed situation I cannot pretend to guess, but Sheridan attempted, very foolishly, to repair his statement respecting the marriage by saying to-day in the House her situation was truly respectable, at which everyone smiled.

As to what passed in the House, it was merely a cavil of a point of honour between Pitt and Fox as to whether the King or Prince had given way first.

The Duke of Rutland to W. Pitt,

1787, May 5. (Dublin Castle.)—*Draft.* [*Correspondence, p.* 184.]

The Earl of Chatham to the Duke of Rutland.

[1787, May 6,] Sunday. Berkeley Square.—Although I have but a moment before leaving town, I could not omit sending you a line to tell you of the final conclusion of the Prince's business, in case you

should not hear it from any other quarter. The King has consented to the debts being paid, and adds 10,000*l.* a year out of the Civil List to the Prince's income. The difficulty has been principally with respect to the Prince resuming his establishment, which was insisted on by the King, and resisted by the Prince on the ground of insufficient means, which this increased allowance has removed. I am glad on your account, as on every other, that this unpleasant subject is over.

I have seen the Duchess two or three times. I wish I could observe that she gained ground faster. The Parliament here is now concluding, and I hope our sessions will gradually become shortened.

Daniel Pulteney to the Duke [of Rutland].

[1787,] May 7. Fludyer Street.—I have received your instructions on the subject of the Prince of Wales, which I conclude will be needless, as the parties cannot now so substantially disagree as to raise a question in the House. Requesting the loan of a bond for 1,000*l.* to enable him to establish a faro bank, in partnership with Lord Foley, Lady Duncannon, Lady Harrington, and others. Lord Cholmondeley told Lord Foley that he had won 44,000*l.* this year. The Duchess of Devonshire is in debt to all the banks she has ever been connected with; so that we must keep her from a claim to be in debt to us. The bank is to begin with 6,000*l.* "I mean to subscribe 1,500*l.*, and shall have the additional advantage of occasional pay for dealing."

Richard St. George to the Duke of Rutland.

1787, May 8. Dublin.—Referring to the death of General Severn and the probable succession of Lord Carhampton to the colonelcy of the Blue Horse, and mentioning his claims to favourable consideration for a vacancy in the command of the 1st Regiment of Horse.

The Marquess of Lothian to the Duke [of Rutland].

[1787, May —.]—The bishop having told me that Mr. Orde wished to see me, I conversed with the latter yesterday upon the part you had taken in the Prince of Wales's business. I quite approve of your anxiety to have the case clearly stated to the King, for, notwithstanding the seeming concord, I am convinced that there is the strongest mutual contempt between him and the Prince. Considering the situation you fill, and the apparent triumph of the Prince in this contest, I think you should write to the Minister a letter which may be shown to the King. I shall be in waiting next month, and, if His Majesty names you to me, may have an opportunity of saying what you would wish said. But such things in my situation are entirely accidental. Be cautious, however, in what you write to Carlton House. I enclose you a letter from Drouly, and regret the little effect your recommendation has had with Mr. Pitt. If anything should fall on your side of the water wherein you can be useful to him, I shall look upon it as a great obligation. Colonel Pigot thanks you for your kindness to him. I send you also a line from Lord Cornwallis, by which you will see that Sloper has got into some difficulties.

Thomas Orde to the Duke of Rutland.

1787, May 10. London.—I have been confined to the house by illness for a few days, but am now able to come to town. I shall take the first

opportunity of talking to Mr. Pitt in private upon the various applications you have committed to me.

I am sorry His Royal Highness thought it necessary to remind you of an engagement made under peculiar circumstances. Your intention of supporting him has been circulated with much exaggeration, "and made use of as fresh ammunition for that pistol which His Royal Highness holds at the King's head."

"I understand that, at all events, he will have no additional allowance, and that some grant for the immediate payment of his debts is all the probable result of this confusion. Mr. Pitt has expressed some regret that your Grace could not take a neutral part, thinking that you could not be obliged to consider your engagement binding you to support every proposition, however indecent." Lord Sydney expressed himself so strongly about the language held in public of your exhorting His Royal Highness to persevere, that I thought it right to inform him of the turn of your letter to His Royal Highness.

"I cannot find out that changes are likely to take place, but I must have apprehensions that some parts of Government are not entirely in good humour with others. I have not yet seen the Chancellor or Lord Hawkesbury to have any conversation with them.

"Lord Lansdown continues to hold his usual language, and is now gone out of town indisposed more than ever against certain persons. He is astonished at the success of your Grace's measures in regard to the internal state of the country, as he was entirely inclined to have given way and compromised matters. He begins, I believe, now to have rather a better opinion of the value of his property. He is very uniform in the unequivocal assurance of his affectionate regard for your Grace."

I have not yet seen Lord Lothian, but shall seek him out. I find people are hurt at the present conduct of Lord Mansfield, which they ascribe to Lord Stormont, who wanted to make a bargain. Lord Mansfield remains at Bath. I am glad to hear of the improved health of the Duchess of Rutland. I have just heard of the arrival of the Bishop of Killala in town. I hope to set out for Ireland on Saturday or Sunday se'nnight. *Marked* "Secret."

Daniel Pulteney to the Duke [of Rutland].

1787, May 10. Fludyer Street.—I thought I should not have had to trouble you again on the subject of the Prince of Wales, but it is now said that the terms offered are so wide that it seems impossible the parties can agree.

The King has assumed a very high tone during the whole transaction; he has likewise, I hear, wrote more slightingly and contemptuously than was conducive to a reconciliation; and, "at the last conference, Pitt plainly threatened the Prince from the King, if he proceeded in a Parliamentary way, *that the consent of the House of Commons was not all that was necessary, even if obtained, and that this was a point on which His Majesty would judge for himself.* If the question had been brought on the day it was intended, it is certain the Prince would have failed. . . . Gray, from whom I probably got the truest account of their list, made it amount to 150, but Government on that day would have carried at least 200. The alteration of your Grace's directions has perhaps not been the only one on the subject, so that I do not know how the case stands at present."

Lord Delaval having told me that the Duke of Cumberland had given him an account of your letter to the Prince, I showed your letter to me,

or mentioned its contents, to Lord Tyrconnel and Pochin as well as George Sutton, leaving the latter to communicate with Colonel Sutton. The result will probably be (if the question is brought on) that Lord Tyrconnel, G. Sutton and myself will vote for the Prince, and Pochin and Colonel Sutton will be neuter. This is as much as the Prince, considering the lateness of his application, can expect.

"The King's terms of yesterday, I hear, were, that if the Prince would send in his debts to him, he would discharge those he thought *proper ones*, and he would give him some relief as to his house; and, under a promise of not exceeding his income any more, would leave him his present establishment clear as before, or perhaps increase it when he was married. The Prince's terms are that *all* his debts should be discharged, and his income increased, and no restriction as to his future conduct. This, if not in terms, I know, is the substance of the difference yesterday. Mr. Lyte was passing frequently between them in private, and Pitt in public, so the circumstances are perhaps something changed since then."

Lord Sydney to the Duke [of Rutland].

1787, May 12. Whitehall.—Conveying the King's sanction to an exchange between Lieutenant-Colonels Pigot and Fawcett.

The Earl of Shannon to the Duke [of Rutland.]

1787, May 15. London.—Replying to a request for his attendance in the British House of Lords at the hearing of the appeal upon a writ of error [in the case of Captain Sutton and Commodore Johnson].

The Earl of Tyrone to the Duke [of Rutland].

1785, May 15.—I am honoured with your letter, and shall not fail to attend the House when that business is to be discussed. I am glad to hear the Duchess has borne her journey so well. We return to Ireland in the end of the month, and hope you will honour us with a visit at Curraghmore this summer.

The Earl of Aylesford to the Duke [of Rutland].

[1787, May 15.]—"I should have held myself bound by your Grace's commands to have attended the whole cause between Captain Sutton and Commodore Johnson, had I not been confined to my house by the inoculation of my daughter for this last fornight."

The Marquess of Buckingham to the Duke [of Rutland].

[1787,] May 15. Pall Mall.—Recommending Lieutenant Keiley and his wife as proper objects of His Majesty's bounty.

M. O'Byrne to the Duke [of Rutland].

1787, May 20. London.—Introducing Chevalier O'Byrne, a genuine Irish gentleman, a very worthy man and brave officer. He has retired, after serving hard and well, with his bit of ribbon and fifty pounds a year, the sum total of the French King's liberality.

THOMAS ORDE to the DUKE OF RUTLAND.

1787, May 24. London.—I have seen Lord Lothian and talked with him about your embarrassment in connexion with the affairs of the Prince of Wales. He will explain the matter to the King, if an opportunity offers.

I was in the Royal closet yesterday, and everything that passed was most flattering and satisfactory to you. "The Prince's household kissed the King's hand yesterday, and I am this instant come from the fullest drawing-room which I ever saw, except on a birth-day. His Royal Highness and the great chiefs and ladies of all parties were present."

Lord Shannon has withdrawn his claim to a pension, but will on that account expect great attention to his friends. I hope, in spite of my forgetfulness, that the speech reached you in time for Monday. I have given Mr. Pitt a *formal memorial* on all the points that interest you. He promises me half-an-hour's uninterrupted conversation on Saturday. I will not leave him without obtaining specific information on every point. *Marked* "Private."

DANIEL PULTENEY to the DUKE [OF RUTLAND].

1787, May 24. Fludyer Street.—I am glad to hear from many quarters favourable accounts of the health of the Duchess. Sir Joshua tells me he has conversed with her physicians, who are confident that the disorder on the nerves is wearing itself off by quiet hours, air and exercise. I have again to assure your Grace of my gratitude for your kind intentions, but I cannot flatter myself with hopes of success, from Orde's accounts, "for, when pressed to speak out, he could only say he had made general applications, and Mr. Pitt had made him general professions, the value of which, I told him, I perfectly understood, though I think it is not quite impossible he never mentioned my name to Mr. Pitt in his life."

"I was the other day in the House of Lords to hear the decision on Sutton's cause, when, to use a vulgar but significant expression, if Sutton had had fair play he would have carried his appeal even against six judges, who, under the influence of the Chancellor, Lord Mansfield, and Lord Loughbro, had apparently combined to pick out a flaw in the proceedings out of jealousy to the Court of Exchequer and deference to the heads of their own Court. Two Scotchmen like Lord Mansfield and Lord Loughbro, sitting in judgment on another Scotchman for an arbitrary exercise of power, were not likely to omit any salvo for him they could discover, yet, aided as they afterwards were by the Chancellor and the inferior judges of their own Courts, it did not prevent the Duke of Richmond moving the House to proceed against all their objections, and he actually carried out 21 against 34, in which latter were of course all the Scotch. I saw Lord Chatham in the House, who seemed a little embarrassed what to do; and I cannot help saying, when all the professional men in the House voted with Sutton, it did not appear a proof of very zealous friendship to the Thurlows to decline voting at all.

"Erskine, who was behind the throne, told me Johnstone could not live a week or he would renew the action that very night, being much keener than Johnstone was under a similar check at Port Praya; but if Johnstone was sure to live a year longer, it appears to me he would at last be certainly obliged to abide the next decision of a jury for law reasons, which I shall not think of troubling your Grace with repeating."

THOMAS ORDE to the DUKE OF RUTLAND.

1787, May 28. London.—I have just heard of the Prince of Wales's illness. He is rather better, but still in great danger. I expect to see Mr. Pitt to-morrow, and hope to give you a good account of my commission. *Marked* "Private."

The DUKE OF RUTLAND to [LORD SYDNEY].

[1787, May 30.]—I have not frequently troubled you during the session, which concluded last Monday. "I trust His Majesty will think that the measures which have been adopted during the last session have been such as may secure a future tranquillity to this country, as well as consolidate the interest and draw together the ties of connexion between the two kingdoms. I am greatly ambitious to see this nation prosper under the auspices of my administration of the King's government, to find it of weight in the general scale, and become a source of strength to the Empire." A Riot Act, an optional Police Act, to be applied when it may be adjudged necessary, together with the adoption of the British Navigation Act, are measures of considerable moment. The country is for the most part quiet, with slight exceptions in the county of Cork. If there should be any breach of the public tranquillity it will probably be directed against the retrospective Bill for the Relief of the Clergy. But if violence take place, an immediate and vigorous exertion on the part of Government will, I have no doubt, terminate the whole matter.

A despatch from Mr. Walpole to Lord Carmarthen has been communicated to me, which points out the necessity of immediately lowering the duties on the wines of Portugal. The Act which imposed them declares that the additional duties shall determine when the goods of Ireland are admitted into the kingdom of Portugal, which is to be notified under His Majesty's authority to the Commissioners of the Revenue. You must therefore send me an official notice, which I shall transmit to the Commissioners of the Revenue in Ireland.

If the state of this country permits, I mean, early in July, to visit the provinces of Ulster, Connaught, and perhaps Munster, returning to Dublin by the counties of Wexford and Wicklow, which will form the circuit of the whole kingdom. *Draft.*

S. HAMILTON to THOMAS ORDE.

1787, May 30. Dublin Castle.—I have received your letter enclosing a copy of Mr. Walpole's despatch to Lord Carmarthen. Having regard to the terms of the Act imposing additional duties on Portuguese goods, the Lord Lieutenant requests you to apply to Lord Sydney to send him an official communication of the treaty with Portugal, upon which he will send the proper notice to the Commissioners of the Revenue. *Draft or copy.*

The DUKE OF RUTLAND to ———.

1787, May 31. Dublin Castle.—Requesting to know the real state of the Prince of Wales's disorder, and expressing anxiety about him. *Draft.*

S. Hamilton to the Duke [of Rutland].

1787, June 8. Dublin.—Concerning various matters of administration. The Bishop of Killala gives so good an account of the physician's opinion of the Duchess that I enclose his letter and congratulate you on it. *Marked* "Private."

The Earl of Tyrone to the Duke [of Rutland].

1787, June 10. Curraghmore.—I have come here by the Milford passage, and shall remain all the summer. I believe you are well assured that nothing could gratify me more than seeing you here.

Daniel Pulteney to the Duke [of Rutland].

1787, June 11. Fludyer Street.—Conveying thanks for assistance in the faro project, and inquiring about the Duke's summer plans with a view to a possible visit.

Lord Sydney to the Duke [of Rutland].

1787, June 12. Albemarle Street.—I take the opportunity of Lord Courtown's return to Ireland to send you a few lines. The greatest satisfaction is felt here on the subject of your session of Parliament. We trust that the whole nation will receive lasting benefit from the wisdom and firmness which have been shown in carrying through these great measures. If the same spirit had been shown during former administrations, Ireland, as well as Great Britain, would have been in a much better condition. "We are at present intent upon Dutch business, our point being to prevent that country falling into the hands of the French, and at the same time to avoid being drawn into hostilitys." I hope you have not felt too sensibly the disappointments in regard to your intended military promotions; but His Majesty is extremely tenacious upon the regular succession, and rightly so, for if he did not make a stand against the many attacks which are made upon it, many officers would become disgusted. I am happy to find that the Duchess of Rutland gains spirits and strength. I hear she goes to the opera to-night.

Postscript.—I am glad to hear that Lord Tyrone and Lord Shannon were pleased with their reception here. *Marked* "Secret and separate."

S. Hamilton to the Duke of Rutland.

1787, June 13. Dublin Castle.—Concerning details of administration.

The Same to the Same.

[1787,] June 14, 7 p.m. Ashton Lodge.—Mentioning a letter from Mr. Orde dated the 8th, near Morpeth, and stating that he expects to arrive in Ireland in a week or ten days.

Lord Howe to the Duke of Rutland.

1787, June 15. Admiralty.—Concerning Captain Byron's applications for employment.

The Duke of Rutland to the Duchess.

1787, June 18. Phœnix Park.—On domestic affairs. "Alas, my dear, the objection to my quitting Ireland is the necessity of appointing justices to govern the kingdom in my absence, which would leave it open to cabal and faction, and might excite an endeavour to restore a system which England at a great expence some years ago abolished. I have, as you know, before now wished to return, but the difficulties in which such a measure was involved appeared so great that I found it always impracticable except in idea. Mr. Orde, who arrived here last night, tells me he said the same to you."

J. Butcher to the Lord [Bishop of Killala].

1787, June 19. Cambridge.—Offering his services in reference to a project suggested to him, in the interest of the Duke of Rutland.

The Marquess of Lothian to the Duke [of Rutland].

1787, June 19. Farnham.—Concerning Major Drouly, and suggesting his succession to the government of Carrickfergus. "I have not heard from you so long that, if you don't write, I shall either think you dead, or dead drunk."

The Duke of Rutland to the Duchess.

1787, June 25. Phœnix Lodge.—On domestic affairs. "I propose setting out on my tour the beginning of next month, and being absent from Dublin as long as I can. If nothing arises to prevent me I shall make the whole circuit of Ireland."

"I was at the play last night to hear Miss Crouch sing. She is very handsome, but I am not in love. Mrs. Fitzgibbon was there. She is much improved by having a child. She wears *but very little rouge*, which, believe me, *increases* her beauty wonderfully. I wish I may be able to make you believe so. I detest it put out without mercy."

"I see the Prince of Wales begins to go to all publick places. Have you ever met him? Is he very civil to you? I suppose he will ask you to visit Mrs. Fitzherbert, which I would have you avoid. But I hear it is indispensable with him, so you had better be silent on that head till he asks you—if he should do so at all—and then I think your state of health will be a good excuse."

W. Conyngham to the Duke [of Rutland].

1787, June 27. Bath.—Acknowledging a letter of introduction to Mr. Pitt. As I wish to be received as a friend of the Duke of Rutland, I shall keep it to deliver on my return to London.

I was sorry when at Court to find that no kind of cordiality was established by the reconciliation with the Prince of Wales. No visit was paid during his illness, and there is no inclination in the latter to take any step to promote it. The Prince speaks highly of the conduct of a certain Duke, and I hope his father has honour enough to see it in its proper light.

The residence of the Polignacs and the Vaudreuils here made a bustle. A thousand idle stories were related of their disgrace, though M. de Vaudreuil assured Lord Lansdown that there was no cause to leave Paris but the object of seeking health. They left Bath and England sooner than they intended. Comtesse Diane de Polignac went to Paris before the rest, she being the *great spring* of the whole

set. This place is almost deserted. The Duke and Duchess of Devonshire and Lady Elizabeth Foster are the only *English* family of note here.

The Duke of Rutland to the Duchess, at Tunbridge Wells.

1787, June 29. Phœnix Park.—On domestic affairs. "If you meet any of the Irish either at Tunbridge or at Spa—if you go there—pray be particularly attentive to them (even tho' they be *twaddlers*)—a set of unfortunate people whom you hold in such utter contempt."

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Daniel Pulteney to the Duke [of Rutland].

1787, July 3. Fludyer Street.—I thank you for your directions to Hill. "He seems to consider your Grace as King of Ireland for life, and with respect to Orde, though in his present situation no one would willingly say the worst, Hill agrees with me that your Grace is treated like other kings, who, with the best intentions, can never rely on any of their orders being executed by any one of their Ministers.

"The faro project, though so essentially advanced by your Grace's means, is, from the absence of some of the gang from town, in no condition to commence this summer; though some of our allies at Bath (the Duchess of Devonshire and Lady Duncannon) are in a rage at our having suffered Sir Watts Horton to set up a mushroom bank of 500*l.* in their absence. Little as I can pretend to any great knowledge of fine ladies, I cannot foresee what obstacles the very proposers may suggest in future. All I know is that it is as much their interest as mine, and . . . as much their inclination. Lady Duncannon sold 200*l.* a year for 1,600*l.* to a Jew, about six weeks ago, and showed me overnight a 1,000*l.* note, which she was determined to keep for this subscription, and in three days it was all gone; though, as to her share of the subscription, that can easily be borrowed for her."

You will have seen in the newspapers that the Duke of Bedford has set up his brother against Lord Mornington for Windsor. Rigby told Hill that the Duke would win the seat. I believe, if the King is in earnest, Lord Mornington is sure of success.

With regard to the Dutch war, it is understood that, although the King put great restraint on his feelings, a peremptory remonstrance addressed by Mr. Pitt to the Court of Versailles has produced satisfactory results.

The Duke of Rutland to Lord Sydney.

1787, July 3. Phœnix Park.—"Though the tranquillity which prevails at present throughout Ireland affords me nothing of consequence to communicate to your Lordship, yet I could not depart from Dublin without acknowledging with many thanks the honour of your Lordship's letter which Lord Courtown delivered into my hands. I will not now detain you to express the satisfaction which I felt from the approbation you were pleased to convey on the conduct and the measures of the last session in Ireland, nor will I be more particular in describing the sentiments of duty and unshaken attachment with which I am unalterably bound to His Majesty's service.

"I am made extremely happy by the hopes which your Lordship's letter affords that Great Britain will not be obliged to abandon her wise and necessary resolution of maintaining peace, in consequence of the very delicate and critical posture of affairs in Holland. A peace of some years' duration is essential to the future prosperity and strength of the Empire, and I trust we have a security against being compelled into a war in the miserable state of the French finances, and in their inability to bear more burthens and expence. Your Lordship's letter relieved my mind from a very uncomfortable suspense, and from very unpleasant speculations which the various unfounded reports which had been received here had given birth to. You will greatly add to all your other obligations by continuing your communications on events of this nature, which so deeply involve the welfare of that system, and of that cause in which we are all embarked. Your Lordship will be sorry to hear that Mr. Orde was seized with a violent attack in the stomach the day after he arrived in Dublin so as to put him in extreme danger for his life, and to render him incompetent for some days to the transaction of any business. He is happily now so far recovered as to enable me to proceed on my tour, which I propose doing in a few hours. It will, however, be necessary for me to return in about a month to the metropolis in order to put in force the Magistracy Bill which passed during the last session. I have directed every necessary enquiry to be made as to the division of the several counties to which this Bill will be applied into certain districts, and I have desired lists of persons proper to be appointed magistrates to be returned for my information. When these preliminaries are settled, I shall immediately revisit Dublin in order to give effect to this wise and necessary regulation.

"Your Lordship was very kind in expressing your hopes that my feelings were not hurt by the King's reluctance to confirm certain military recommendations. I will only observe that while I endeavour to discharge the important trust committed to my care with fidelity and with zeal for the King's service, I shall consider it to be equally my duty, as well as it is my anxious desire, in all things to consult His Majesty's personal satisfaction, and if ever I should be so unfortunate as to propose points not consonant to his rules and wishes, I shall feel it as an indispensable obligation to receive his commands to the contrary with the utmost humility and without a murmur. Your Lordship will, however, permit me to observe in my own justification, that in all the military patronage which has fallen into my disposal I have invariably attended to the claims of seniority and service. For example, I must remind you of the lieutenant-colonelcies of the Royals and the 66th regiment, the only commissions of that rank which I have appointed to; and in but three instances have I recommended persons in my own family and under my own immediate protection for promotion, and those have been by purchase and with every fair claim from their standing in the army. *Postscript.*—When I have a fair opportunity I shall not forget that Dean Stopford has your good wishes." *Draft. Marked* "Private."

[General] Robert Cunninghame to the Duke of Rutland.

1787, July 8. Dublin.—Concerning an application for leave to sell a commission.

The Earl of Tyrone to the Duke [of Rutland].

1787, July 9. Curraghmore.—Expecting a visit from the Duke in the conclusion of his tour.

[S. Hamilton] to the Duke of Rutland.

1787, July 9, Monday night.—Conveying a message from Mr. Orde that the Duke's presence will probably be necessary in Dublin at the latter end of the week, to arrange the division of some of the counties previous to the assizes, in pursuance of the Magistracy Bill.

The Duke of Rutland to the Duchess, at Tunbridge.

1787, July 10. Collon.—"I am just going to receive the Mayor of Drogheda to fix a day for visiting the town, and then I shall mount my horse to visit the spot where the Battle of the Boyne was fought.

"Lord North's situation is very melancholy; I pity him much."

Thomas Orde to the Duke [of Rutland].

1787, July 10. Phœnix Park.—Concerning his health. I own my spirits and hopes of perfect recovery are much damped by the loss of my excellent friend and physician, Sir Richard Jebb, who has fallen a sacrifice to exertions beyond his strength during the late illness of the Princesses.

I am afraid I must bring you to town for one day at the end of the week for the division of the counties for the assizes. The Attorney-General is preparing the proper arrangements.

Concerning various applications for favours. *Marked* "Private."

The Same to the Same.

1787, July 11, Wednesday. Phœnix Park.—Concerning Lord Arran's refusal to give up possession of the Lodge in the Phœnix Park, which had been purchased by the Irish Government from Mr. Gardener. *Marked* "Private."

S. Hamilton to the Duke [of Rutland].

1787, July 11. Dublin Castle.—The Council upon the Magistracy Bill cannot be called until Thursday the 19th. Your presence may also be required for the hearing of a question in regard to the election of a portreeve for Lord Mornington's borough of Trim. Mr. Orde is recovering, but not so quickly as his friends would desire.

Thomas Orde to the Duke [of Rutland].

1787, July 13. Phœnix Park.—Your determination in regard to Lord Arran precludes me from further representation except to remind you that very strong complaints were made in Parliament upon the expense of the purchase of this house, and doubts were pointedly expressed of an intention to allow its occupation as a private object, which was decidedly denied by your Government. I am much concerned at the inconvenient call upon you to come to town. I am very sensible of your kind indulgence in regard to my health. *Marked* "Most private."

Thomas Gascoigne to the Duke [of Rutland].

1787, July 14. Parlington.—Excusing himself from joining the Duke at Hillsborough. I went to London for three weeks; my

evenings hung heavy there. "At Brookes's the whist was too high to play at the heel of a season, nothing less than 40*l.* a rubber being played; and Pharaoh has no temptation unless as *Banker*; and had it not been for a rubber or two at Boodle's I should not have gambled at all. I prevailed on your Duchess to play whist, and we thought it did her good; her spirits were, beyond anything I ever saw, low. Tunbridge will bring her about, so says Warren, and I thought her much better the last time I called on her. Gambling was never higher, and the Pharaoh bankers have had some good pidgeons. A Mr. Barton was at one time out with a sitting at Dick Thompson's bank 92,000*l.*, and cut losing 24,000*l.* Your hounds, I hear, were remarkably good, but a great complaint about killing foxes; it is reported they are all destroyed."

Thomas Orde to General Pitt.

1787, July 16. Phœnix Park.—Concerning complaints made by the Commander-in-Chief against the official action of the Lord Lieutenant. *Marked* "Private."

Lord Sydney to the Duke [of Rutland].

1787, July 16. Whitehall.—Announcing the appointment of Sir Charles Grey to the command of 8th regiment of Dragoons, vacant by death of General Severne, and of Major-General Paterson to the command of 28th regiment of foot. I did not fail to mention your wish to recommend Lord Carhampton to the first of these regiments. His Majesty spoke handsomely of him, but seemed to object to giving two regiments of cavalry successively in Ireland. *Marked* "Private."

S. Hamilton to the Duke [of Rutland].

1787, July 17. Dublin Castle.—The Council is summoned for Thursday, at 3 o'clock. It has, on consulting those whose opinions you will approve, been judged expedient to suspend the operation of the Magistracy Bill in such counties as shall apply to you by address, engaging to preserve the peace. I send you a copy of the letter sent to the judges at Limerick. Letters of a similar nature are sent to the governor of the county and to the sheriff. You will be spared the trouble of hearing the question about the election of a portreeve at Trim. *Marked* "Private."

Enclosure 1.—Thomas Orde to the Judges of Assize for the Munster Circuit.

1787, July 17. Dublin Castle.—By command of the Lord Lieutenant, requesting the judges of assize to invite the gentlemen of each county in which outrage has not lately prevailed to address the Lord Lieutenant on the subject of putting in force the provisions of the Magistracy Bill; and to tell them that in the event of their being able to give satisfactory assurances that the peace of the county has been preserved, and that property may be deemed secure without exerting the powers conferred by the Magistracy Act, they will not be called upon to make presentments for the purposes of that Act. *Draft or copy.*

Enclosure 2.—Thomas Orde to [Lord Muskerry].

1787, July 17. Dublin Castle.—Informing Lord Muskerry, as Governor of the County Limerick, that the Lord Lieutenant, in consequence of representations made to him by gentlemen of consideration in the south of Ireland, is willing to postpone enforcing the Magistracy Act in that county if the gentlemen belonging to it will assure him, in an address forwarded through the judges of assize, that order can be maintained by the operation of ordinary law.

S. Hamilton to the Duke of Rutland.

1787, July 18. Dublin Castle.—The Council has been requested to meet at your Lodge in the Park, on account of the health of Mr. Orde, who is unable to venture the fatigue of going to Dublin.

Lodge Morris to the Duke [of Rutland].

1787, July 20. Sackville Street.—Urging his claims to promotion, should a vacancy occur in a "particular office."

Frederick Trench to the Duke [of Rutland].

1787, July 21. Heywood.—Concerning some artistic designs.

Thomas Orde to the Duke of Rutland.

1787, July 22. Phœnix Park.—Concerning the grant of a pension to his wife, should his own death precede that of the Duke of Bolton. *Marked* "Most private."

The Same to the Same.

1787, July 23. Phœnix Park.—"The governor of Carricfergus is dead, and your Grace will do well to lose no time in filling up the place. You will probably name either Colonel Thoroton or Colonel Dundas." Concerning various military promotions. "I have had a most extraordinary conversation with Lord Bellamont, which ended in a full stop to all manœuvres." I am rather better. I intreat you to tell Lord Hillsborough how much I regret being unable to accept his invitation. The address from Limerick is most satisfactory. *Marked* "Secret."

S. Hamilton to the Duke [of Rutland].

1787, July 24. Dublin Castle.—Communicating the address agreed to in a full meeting of the county of Limerick.

[The Rev.] Robert Croft to the Duke [of Rutland].

1787, July 24. Rowley.—Concerning an application for Church preferment, and racing.

John Mortlock to the Lord [Bishop of Killala].

1787, July 24. Cambridge.—Regretting that he had missed an opportunity of meeting his Lordship.

THOMAS ORDE to the DUKE [OF RUTLAND].

1787, July 25. Phœnix Park.—I have written you a letter, marked *secret*, which, as it entirely regards myself and my situation, you will consider *confidential*. Colonel St. George applies to you for the government of Carrickfergus. *Marked* "Private."

The SAME to the SAME.

1787, July 27. Phœnix Park.—Concerning various military appointments.

"The history of Lord Rawdon's expectations and disappointments is curious, and I must own that I agree entirely with Lord Hillsborough in opinion of the impossibility that such communication could have been made from such a quarter. Another story was before mentioned of a notification from Mr. Pitt to Lord Rawdon that he was to be Secretary of State, and that afterwards Mr. Pitt dropped the proceeding without further notice, which grievously offended Lord Rawdon. This, again, is unlikely. I do, however, believe that something was said to Lord Rawdon, and from high authority, to encourage expectation, which has not been answered. He is, I guess, full of ambition, and, I think, looks rather too high." *Marked* "Private."

The DUKE OF RUTLAND to the DUCHESS.

[1787,] July —. Hillsbro'.—"The races here are very numerous, but not very pleasant. I have been but once to the ball, because there is an ordinary where they make it a point I should dine, and they have generally drunk too freely, and in that case I do not like to appear in publick."

"If you go to bathe in the sea, do not go to Brighthelmstone, because you will be under a difficulty about Mrs. Fitzherbert."

R. HOBART to the DUKE [OF RUTLAND].

1787, July 27. Grafton Street.—Proposing himself as successor to Mr. Orde, in the event of the health of the latter not permitting his continuance in office.

GEORGE Y. KENDALL to the DUKE [OF RUTLAND].

1787, July 27. Dublin.—Expressing gratification at learning that the wines he had sent from France pleased the Duke, and offering to undertake further commissions. I have made a most pleasing tour through Munster. I have been at Killarney, Cork, my Lord Shannon's, Mr. Uniack's, Lord Grandison's, and at Lord Tyrone's, at all which places I met with a most flattering reception.

THOMAS ORDE to the DUKE OF RUTLAND.

1787, July 28. Phœnix Park.—I enclose a rough draft of a letter to Lord Shannon, which may help you in writing to him concerning his pension. I am obliged to entreat you to write also with your own hand to General Pitt, to confirm what I have said to him. I enclose a copy of my letter to General Pitt. *Marked* "Secret."

The Duke of Rutland to Lord [Shannon].

1787, July 28.—Concerning an application for an extended grant of a pension conferred for a term of years on the Earls of Shannon, which the Duke, after consultation with Mr. Pitt, found himself unable to submit to the King. *Draft, in the handwriting of Mr. Orde, with corrections by the Duke of Rutland.*

The Duke of Rutland to the Duchess.

1787, [July 29.] Hillsbro'.—"The races ended yesterday, and to-day I have been again in form to church. To-morrow I go to Belfast; the next day I dine at Lord Moira's; then at the Bishop of Dromore's. From thence I go for a day to Castle Ward; then to Mr. O'Neil's, Lord Antrim's, and to Derry, and then I pass into Connaught.

"Do not let my love be frightened about political rumours. I am persuaded Ministers will not be such idiots as to quarrel about Holland. Be assured all is harmony in the Cabinet, and support from the Closet. People at this time of year have nothing else to do but to fabricate rumours, and to invent fictitious changes in Government. The King will never deliver himself bound into the hands of his enemies, which would be the case if he removed his present servants.

"I hope you will not find embarrassment about Mrs. Fitzherbert when you are at Brighthelmstone."

"This place has been very drunken the whole time of the meeting, and in consequence there have been some quarrels among the natives, but it generally happened after I had quitted the room. The first day they drank *The Volunteers*, which offended Lord Hillsbro' so much that he took it up with great warmth, and if I had not interfered it might have created much disturbance."

Thomas Orde to the Duke [of Rutland].

1787, July 29. Phœnix Park.—Sir Lucius O'Brien has persecuted me for three days successively about the tenure of his office, which he wishes to be for life, and which I told him could not be. He had thoughts of going to you in the country. I hope you will not be teased by him, but give you this warning. *Marked* "Private."

The Same to the Same.

1787, July 30. Phœnix Park.—Concerning military promotions, and Lord Arran's occupation of the Lodge in Phœnix Park. *Marked* "Private."

[Dean] R. Marlay to the Lord [Bishop of Killala].

1787, August 1. Dublin.—Announcing the death of the Bishop of Ferns, and referring to a promise of his own promotion.

The Duke of Rutland to [Lodge Morris?].

1787, August 1. Hillsborough.—Mentioning that the office presumably referred to in his letter had been given to Sir Lucius O'Brien, in fulfilment of an engagement made in the very beginning of the Duke of Rutland's administration. *Draft.*

S. Hamilton to the Duke [of Rutland].

1787, August 1. Dublin Castle.—Mentioning the death of the Bishop of Ferns.

Thomas Orde to the Duke of Rutland.

1787, August 1. Phœnix Park.—Concerning military promotions, and correspondence with General Pitt. I this moment hear of the death of the Bishop of Ferns. "I shall order immediately the appointment of the Bishop of Killala—the translation of Clonfert to Killala—Dean Marlay to Clonfert—Dean Stopford to deanery of Ferns—Mr. Pomeroy to Dean Marlay's living—and Dr. Allot, with my sincere thanks, to the treasurership of Christ Church."

The Same to the Same.

1787, August 3. Phœnix Park.—Concerning military promotions in Ireland, and inquiries about them by the King. "The appointment for Sir Lucius O'Brien and the additional salary are just come over, and I trust that Sir Lucius will think himself well off." It was impossible to entertain the idea of the office being for life. I am much affected by the manner in which you express your concern about my health. I am obliged to speak of myself as much indisposed, but I hope this will not be of long duration. *Marked* "Most private."

C. F. Sheridan to the Duke of Rutland.

1787, August 3. Dublin Castle, War Office.—Concerning matters of military administration.

S. Hamilton to the Duke [of Rutland].

1787, August 4, Saturday.—Sending alternative forms of warrant for Sir Lucius O'Brien's appointment. "The King's letters for the six Baronetcys are arrived."

Thomas Orde to the Right Honourable [General Pitt,] Commander-in-Chief.

1787, August 4. Phœnix Park.—Concerning the complaints of the Commander-in-Chief. *Marked* "Private."

Lodge Morris to the Duke [of Rutland].

1787, August 4.—Referring to a reply to his application for promotion, and complimenting the Duke of Rutland on the wisdom and firmness of his government.

S. Hamilton to the Duke [of Rutland].

1787, August 5, Sunday morning. Dublin Castle.—The deanery of Killaloe is only worth 90*l.* a year. Mr. Orde has passed two days at the Blackrock, and is expected home to-day.

THOMAS ORDE to the DUKE OF RUTLAND.

1787, August 5. Phœnix Park.—I trouble you with further correspondence between myself and the Commander-in-Chief. I must point out to you the absolute necessity of your personally writing to him for once, and, in doing so, I trust you will do me justice. Concerning a proposal of Sir George Yonge to recruit in Ireland for the army on foreign service. *Marked* "Most private."

The DUKE OF RUTLAND to LORD SYDNEY.

1787, August 5.—Perhaps hopes might have been entertained of Lord Carhampton's succession to General Severn's regiment, but it is the duty of us all to submit to His Majesty's decisions; and Lord Carhampton feels confident that his claims will be favourably considered on a future occasion.

"Your Lordship will be pleased to be informed of the state of loyalty in which I have found this once factious province of Ulster. The spirit of discontent and its concomitant the spirit of volunteering seem to be nearly extinguished, and though Lord Charlemont, for the purpose of retaining his ill-directed popularity, makes an annual visit to this country, to review the remnants of these illegal combinations, yet it is a matter of no consequence or avail, and cannot possibly revive a principle which could have had no existence but in the weakness of the Government and the peculiar circumstances of former times. I have been everywhere received with the attention due to the Sovereign I represent." Among those to whom we are indebted for the extension of this spirit of loyalty I must mention Lord Hillsborough, whose exertions are constantly directed to the improvement and good order of the country. *Draft, marked* "Private."

The MARQUESS OF LOTHIAN to the DUKE [OF RUTLAND].

1787, August 6. Ashe, near Farnham.—I hope to be able soon to congratulate my friend Marlay on the promotion which I trust you intend for him.

[DEAN] R. MARLAY to the DUKE [OF RUTLAND].

1787, August 7. Cellbridge.—I return my most sincere and grateful thanks for your letter. "Your Grace has the art of doubling an obligation by your manner of conferring it; you do not, like many statesmen, let the coldness of delay hang on it." I feel happy and proud at being promoted by the Duke of Rutland, and shall always endeavour to show my gratitude by reflecting credit on his patronage.

The EARL OF SHANNON to the DUKE [OF RUTLAND].

1787, August 7. C[astle] Martyr.—Expressing pleasure in a report of the Duke's approaching visit to the South of Ireland.

ALEXANDER MONTGOMERY to the DUKE [OF RUTLAND].

1787, August 7. Duke Street, Dublin.—Excusing himself from meeting the Duke at Derry, as he has to go to England on business.

G. Rose to [Thomas Orde].

1787, August 7. Great George Street.—Concerning the amount of a pension to Mrs. Monckton.

Thomas Orde to the Duke of Rutland.

1787, August 8. Phœnix Park.—I was deeply impressed with gratitude by your letter of the 4th inst. I am certainly better, and, with the relief of my mind from anxiety by your goodness, have a fair prospect of further improvement, and hopes of the entire re-establishment of my health. *Marked* "Most private."

Lord Sydney to the Duke [of Rutland].

1787, August 8. Whitehall.—Forwarding a request from Sir William Mansel.

Thomas Orde to the Duke [of Rutland].

[1787,] August 8, Wednesday.—Concerning military promotions.

C. F. Sheridan to the Duke of Rutland.

1787, August 9. Dublin Castle, War Office.—Concerning objections raised in England to military promotions recommended by the Duke.

S. Hamilton to the Duke [of Rutland].

1787, August 9. Dublin Castle.—"I have the honour to transmit to your Grace the address of the clergy of Munster, forwarded to Mr. Orde for that purpose by the Archbishop of Cashel, as also the sketch of an answer which Mr. Orde desires me to submit to your Grace."

The Duke of Rutland to [General Pitt, Commander-in-Chief].

1787, August 10. Shanes Castle.—Concerning the correspondence between Mr. Orde and the Commander-in-Chief. I am "rather apprehensive that some doubts may have arisen as to the authority under which Mr. Orde may from time to time have acted. In that case it may be necessary for me to remark that Mr. Orde could not, on any occasion, give any direction or make any communication without resorting for approbation to that authority from whence all orders must originate and spring, and which is alone responsible to the King for all matters which may concern any department in the administration of the government of this kingdom. I sincerely hope that a good understanding may ultimately take place between persons who have the interest of the King's service most sincerely at heart." *This apparently is the draft which was enclosed to Mr. Orde, and returned by him with his letter of 13th August.*

S. Hamilton to the Duke [of Rutland].

1787, August 11. Dublin Castle.—Mentioning that Mr. Cooper, whom the Duke had intended to visit in the county of Sligo, was unable to receive him owing to a family bereavement.

The Duke of Rutland to the Archbishop [of Cashel].

1787, August 12. Shanes Castle.—Acknowledging an address from the clergy of the several dioceses in the province [of Munster]. "The interest which I feel in the maintenance of the Established Church increases my satisfaction in their just acknowledgments of the firm wisdom and magnanimity of Parliament, and in the approbation which they have so kindly expressed of the conduct of my Administration. And I must further request your Grace to assure the ministers of our holy religion that it is not less my principle than I feel it to be my duty to vindicate them in their just rights, and to afford them the most strenuous and effectual support of my Government." *Copy; also two rough drafts, the first being in the handwriting of Mr. Hamilton, with alterations by the Duke of Rutland.*

Thomas Orde to the Duke of Rutland.

1787, August 13. Phœnix Park.—I have just returned from an excursion of three days; but I am not well. I called upon Grattan in my way home, and am almost persuaded by Mrs. Grattan to try calomel, which she has found beneficial. But I have most faith in Bath, and with your permission shall think of going there.

I have, to my very great mortification, this moment received the enclosed from Lord Sydney, to be forwarded to you immediately, by the King's express directions. He adds that, having heard of some intention in your Grace to recommend Captain Finch, he is anxious to hear that the royal predetermination, as it should seem, in favour of Lieutenant-Colonel Stuart may not be a mortification to you or to Mr. Finch.

I am most cordially concerned about this business on many accounts, and shall be very solicitous to know what you think of it and mean to do upon it.

Discussing, at considerable length, this and other questions of military promotion. *Marked* "Secret Military."

The Same to the Same.

1787, August 13. Phœnix Park.—I had ventured to hope you would have justified my proceedings by a stronger remonstrance than that which you have addressed to the Commander-in-Chief. My letters to him were written under your express and precise directions; and I ventured to think that you would explicitly tell him this, and not allow him to treat the matter as merely a dispute between himself and me. I have taken the liberty of returning your letter to General Pitt, and await your decision and consequent commands. *Marked* "Secret."

The Same to the Same.

1787, August 13. Phœnix Park.—Acknowledging with warm thanks a letter from the Duke adding to favours granted by a former letter.

I am really distressed to send you an extract from Mr. Rose's letter about Mr. Browne. The other points are satisfactory.

With this are two extracts from letters of Mr. Rose, relating to various matters of patronage. Marked "Private."

The Earl of Mornington to the Duke [of Rutland].

1787, August 14. Seafield.—I have the pleasure to tell you I have gained a complete victory at Trim. The establishment of a cavalry barrack there would be a most desirable object to me. I have a letter from Dean Marlay, who is full of gratitude to you. Lord Harberton and General Pomeroy (at whose house I am) are in hopes that the promotion of Marlay will enable you to gratify their wishes with regard to Mr. John Pomeroy. I hope you have had a pleasant expedition, and that I may see you in Dublin before I leave Ireland.

Richard St. George to the Duke [of Rutland].

1787, August 15. Dublin.—"I am more gratified by the friendly style of your Grace's letter than I could be by an immediate succession to the most strongly solicited appointment." Excusing himself, on the ground of ill-health, from attending the Duke at Lord Rosse's.

William Conyngham to the Duke [of Rutland].

1787, August 16. White's, London.—Regretting that he is unable to meet the Duke on his tour in the north, and communicating social and political gossip.

Thomas Orde to the Duke [of Rutland].

[1787,] August 16, Thursday night.—I have seen Colonel St. George. He is very well satisfied with the probability of succeeding to a lieutenant-colonelcy of horse upon Lord Carhampton's possible promotion to a regiment. *Marked* "Private."

William Conyngham to the Duke [of Rutland].

1787, August 17. London.—A letter from the Hague "recites the Prussian *ultimatum* consisting of six articles, the first that the Stadholder was to be restored to all his privileges. . The consequence of this was that the States immediately assembled, deprived the Prince of Orange of all his powers, and confiscated his estates."

"Eden's appointment is made out as Ambassador to Spain, and Del Campo (the happiest man in the universe) appointed Ambassador" [here].

"Several French are come over to Brightelmstone. Colonel Fitz-Patrick had a good run the other night; got 4,000*l.* of them, and had business of consequence the next day in London, so brought it away."

S. Hamilton to the Duke of Rutland.

1787, August 17. Dublin Castle.—"In pursuance of your Grace's instructions, I immediately communicated to Mr. Orde what you seemed to apprehend might be the effect of too strong an expression in your Grace's answer to the address of the Munster clergy, and he perfectly agrees that the words *vindicate them in their rights* may be extended much too far in the expectations of some of them. As your Grace's answer is to be printed, Mr. Orde desires me to submit to your con-

sideration whether the phrase *ministers of our Holy Religion* may not induce those who wish to put their own constructions upon words, to say that you consider the proceedings of last year to have originated in religious distinctions; and whether you would not prefer a plain and strong promise of protection and support to the clergy." I return your letter for your further commands.

THOMAS ORDE to the DUKE OF RUTLAND.

1787, August 20. Phœnix Park.—I have been suffering from extreme relaxation and nervous affection, and am urgently advised by Dr. Quin to go to Bath. With your permission I mean to sail at the beginning of next week. I shall first go to London to carry your commands.

You will excuse my anxiety about the dispute with the Commander-in-Chief, which I trust you will bring to an end, for I cannot exist in comfort while it remains in its present situation.

Let me know what you have written to Lord Shannon.

With regard to Lord Arran, I wish to know your ultimate decision, and whether he is to have notice to quit the Lodge at Michaelmas. *Marked* "Private."

LORD SYDNEY to [THOMAS ORDE].

1787, August 21. Whitehall.—"I understand that Lieutenant-Colonel Stuart transmitted a memorial to the Lord Lieutenant at the same time that he presented one to the King. I have never exchanged a word with him upon any subject whatsoever. The affair makes a good deal of stir among military men. I wish to God that young men of fashion would not press for what it is a doubt whether they will be gainers or losers by, when an old officer under such circumstances must be broken-hearted at such a preference. . I much doubt whether such a promotion as that would be ever took place, where a lieutenant-colonel of four years' standing was the eldest captain. I hope the Duke of R. will not be hurt at it."

"The King is very gracious on the subject of the bishoprick of Ferns, and gives the Bishop of Killalla full time to determine."

THOMAS ORDE to the DUKE OF RUTLAND.

1787, August 22. Phœnix Park.—I have had the honour of receiving your letter of the 18th, and its enclosures, particularly the letters to the Commander-in-Chief and Lord Shannon. I am sure you expect me to give you my real sentiments in regard to the former, and I must confess that I do not think it likely to produce the effect you would hope for. It does not, in my view, sufficiently assert your own authority, or vindicate my action as taken under your explicit directions.

With respect to Lord Shannon, I think you should let him know your determination at once.

"I should really be very much disinclined to trust to even specious good authority for a report of the kind which your Grace has received from the Duchess in regard to the King's feelings about your conduct in the Prince of Wales's business. I can again suggest it to Mr. Pitt, and he will judge of it, but I should certainly not think it wise to introduce the subject to His Majesty without a previous certainty of his having conceived displeasure from misconception."

Concerning various appointments, and particularly the military succession which the king had refused to sanction.

Thomas Orde to the Duke of Rutland.

1787, August 24. Phœnix Park.—Concerning Lord Sydney's intimation of the King's feelings in regard to the memorial of Lieutenant-Colonel Stuart on the subject of a military promotion, for which the Duke of Rutland had recommended Captain Finch; and the Duke's reply to Lord Sydney.

The Same to the Same.

1787, August 25. Phœnix Park.—Concerning Lord Arran's removal. I will say no more on the subject, but hope you will not suffer by too great indulgence to those who act shuffling parts. The news from England reports Grenville's return from Holland, bringing word of a declaration both by the Emperor and Prussia in favour of the Stadholder; while, in France, everything is in confusion and disorder, and no power to make an effort in favour of the Dutch patriots, who will thus happily be left in the lurch. The Parliament of Paris certainly banished, and also, I believe, that of Bordeaux. *Marked* "Most Private."

S. Hamilton to the Duke [of Rutland].

1787, August 25. Dublin Castle.—Concerning administrative business.

The Marquess of Lothian to the Duke [of Rutland].

1787, August 26. Tilford.—I ought to have written before to thank you for your kind remembrance of Marlay. I had been vexed with the way in which Mr. Pitt treated your recommendation about Drouly, who began to despair of getting anything, and thought of quitting the service; but on the death of our youngest lieutenant-colonel, the King appointed him in the most flattering terms. He ordered the whole promotion to go through the regiment, and made me a present of the cornetcy.

The King, the Prince, the Duke of York, and all the royal family appear at present to be better *ensemble* than before the differences between them took place. His Majesty seems to dote upon the Duke of York, and I am so well with them all that, were I vain, my head might be turned. The Prince has given me a beautiful horse, and I am to go to Windsor next week to attend the Duke of York to Brighthelmstone, a journey I by no means covet. The Duke is vastly pleased at finding himself in England. He is more shy than the rest of the royal family; appears greatly attached to his profession and to have a good understanding. He reasons well and warmly, and is lively.

I am at this country village with my children for the change of air in their whooping coughs. I saw the Duchess at St. James', looking as well as ever I remember seeing her.

Thomas Orde to the Duke of Rutland.

1787, August 28. Phœnix Park.—I am preparing to go to-morrow. I shall not discuss the subject of the letter to the Commander-in-Chief further than to say I hope (for your own sake) you have not sent it in the style which you had used in the copy which I saw. You would give him an irrevocable advantage over you, and the dignity of your high

station would be humiliated. I trust also you will do justice to my situation by the full adoption of my conduct.

I do not wonder at your wish for a return to England; but I am convinced of the importance of your stay, to the King's affairs and the public. This, however, must greatly depend on the support you receive and vindicate to yourself from the other side, and on the just and uniform exertions of your own authority and influence.

A letter from Mr. Rose just received promises every exertion for Mr. Browne. My health is really improved by the use of calomel, and I hope will be re-established by the Bath waters. *Marked* "Most private."

The Duke of Rutland to W. Pitt.

1787, August 28. Florence Court.—"I cannot forbear troubling you with a very earnest wish of mine on a matter which will, I hope, be rendered unnecessary by the restoration of Mr. Orde's health, who is now greatly better than he has been for some time past, and who, I hope, only requires the waters of Bath to perfect his recovery.

"Mr. Orde's health has been sacrificed to his zealous exertions in the management of that part of the King's government which is entrusted to my charge. Should his labours prove fatal to him, I shall consider it as incumbent on me to pay every attention to those he may leave behind him, and in this desire I trust I shall meet your concurrence and assistance. Mr. Orde has now for some years been employed in the service of the publick, where I am persuaded you will admit his diligent and conscientious exertions have not been useless. His conduct has, in no instance, been distinguished by any inclination towards objects of emolument, nor has he shown any aspiration after rewards except those which have resulted from the consciousness of his own mind, and which are the honest gain of every worthy man's ambition. After this preface I shall at once inform you that, in the very unfortunate case of his death, it will be my care to recommend to His Majesty Mrs. Orde for a conditional pension of a thousand a year contingent on the life of the Duke of Bolton, and to cease on her accession to her property on his death. The modesty of this request, and the improbability of its ever taking place, and, in case of such a misfortune, its probable short duration, are circumstances which would themselves remove every difficulty from your mind, even if your own good wishes toward Mr. Orde, as well as the influence of my request, did not operate strongly on your mind." *Draft, marked* "Private."

S. Hamilton to the Duke of Rutland.

1787, August 29, 8 p.m. Dublin Castle.—At two o'clock this afternoon I took leave of Mr. Orde on board the Hillsborough packet boat. He has for a week or ten days been very much better, and gives fair hopes of recovery, after the example of Mrs. Grattan. He asked me to forward to you the enclosed letter from Lord Earlsfort, with his opinion that the object would be impracticable. Lord Mornington is very unwell.

George Y. Kendall to the Duke [of Rutland].

1787, August 29. Dublin. — Concerning plate, table furniture, cooks, wines, and other matters pertaining to the Duke's household.

S. Hamilton to the Duke [of Rutland].

1787, August 30. Ashton Lodge.—The Archbishop of Cashel is in Dublin on his way to England. I have sent him your answer to the address of the clergy of his province. The enclosed address from Waterford gives a sound pledge for the peace of the country.

I have given directions for Mr. Patrickson to attend you at Carrick-on-Shannon with the Council business. Your lottery tickets have been secured. Lord Farnham has been ill; Lord Mornington is dangerously so.

Lodge Morris to the Duke [of Rutland].

1787, September 1. Sackville Street.—Concerning his claims to official advancement, and reflecting on the sincerity of Mr. Orde's professions in his favour.

The Earl of Shannon to [S. Hamilton].

1787, September 1.—Recommending to certain vacant appointments in the county of Cork.

S. Hamilton to the Duke of Rutland.

1787, September 1. Dublin Castle.—I have despatched a messenger with your letters to the Duchess of Rutland, Mr. Pitt, and Mr. Orde. I have also sent your letter to General Pomeroy.

I am sorry to say that Lord Mornington, though somewhat easier this morning, is still extremely ill. Upon the Council business, Mr. Patrickson will attend you at Castlebar on the 6th. Mr. Lees is returned from Holyhead, and left Mr. Orde much benefitted by his voyage.

The Same to the Same.

1787, September 4. Dublin Castle.—Concerning an Act of Council for appointing the sessions towns under the Magistracy Act. Mr. Patrickson will attend you with the business. But I am afraid this will not save you the trouble of a journey to Dublin, as the Lord Mayor must be sworn in your presence, and receive from your hands the keys of the city and the insignia of his office. I will, however, inquire into the *legal* necessity of this.

Edward Leslie to the Duke [of Rutland].

1787, September 4. Mount Pleasant, Tunbridge Wells.—Conveying thanks to the Duke for procuring him the dignity of an Irish baronetage.

C. F. Sheridan to the Duke of Rutland.

1787, September 4. Dublin Castle.—Concerning military administration. I cannot omit this opportunity of congratulating you "upon the unexampled quiet which prevails in the kingdom at the present period, so different from what has hitherto invariably been the case at this season of the year. I have not for these two months past received a single letter complaining of any outrage whatever, though ever since I have been in office a week seldom passed at this time of the year

without my receiving a number of applications for military assistance in order to suppress a variety of outrages and disorders. It must be very pleasing to your Grace that so profound a tranquility should occur, for the first time during a very long period, under your Grace's administration."

EDWARD MANNERS to the DUKE [OF RUTLAND].

1787, September 5. Knightsbridge.—Asking for the Duke's influence to obtain His Majesty's permission to put up a small door into Hyde Park opposite the writer's house.

The EARL OF SHANNON to the DUKE [OF RUTLAND].

1787, September 6. Castle Martyr.—Expressing a hope that, notwithstanding a family affliction, the Duke will visit Castle Martyr before the expiration of his tour.

S. HAMILTON to the DUKE [OF RUTLAND].

1787, September 7. Dublin Castle.—Concerning business to be transacted by the Lord Lieutenant in Council, and Lord Shannon's recommendations to vacant appointments.

Lord Strangford called upon me and desired I would represent to you his being in absolute want of common subsistence, not having a guinea to buy victuals, and to entreat something out of *concordatum* or any other fund.

This place is perfectly quiet, and the country appears to be so except between Cork and Doneraile. But I trust the activity of Colonel Mannix and Mr. Gibbs Ross will suppress this turbulent disposition in the beginning.

Concerning an intended application of Lord Hillsborough for the office of customer at Dingle. I fear your presence at the swearing in of the Lord Mayor cannot be dispensed with. The day fixed is the 30th of September.

LORD SYDNEY to the DUKE [OF RUTLAND].

1787, September 7. Whitehall.—I was much concerned at the contents of your letter of the 20th. You may be assured, however, that no invasion of the usual patronage of the Lord Lieutenant was intended. His Majesty expressed great reluctance at interfering with the promotion of an officer so nearly related to you, as well as closely allied to many persons who stand well with him, but "he yesterday said again, upon my mentioning to him the contents of your Grace's letter, that, had the vacancy happened in England, he should not have thought himself *at liberty* to have put in a captain to be major of a regiment where the eldest captain was circumstanced from rank, seniority, service, and wounds, as Colonel Stuart was." The case can form no precedent, for such a one can hardly happen again. *Marked* "Secret and separate."

D. GEORGE [Recorder of Dublin] to [S. HAMILTON].

1787, September 7. York Street.—I have inquired into the precedents of swearing in the Lord Mayor, and I find that he has always taken the oath of office before the Chief Governor whenever there was one in

the kingdom. In my opinion, there would be much doubt of the legality of the ceremony if the Lord Lieutenant was in the kingdom and not present. I much regret that he should be interrupted in his very laudable purpose of seeing the country and people.

[Lt.-Col.] Richard St. George to S. Hamilton.

1787, September 7. Dengan Castle.—Recommending Abraham Cornwall for a vacant Collectorship of the Hearth Tax in the county of Leitrim.

Thomas Orde to the Duke of Rutland.

1787, September 8. Sudbury Green.—Mentioning that he has been very unwell, and advised that his only resource is Bath, whither he proposes to go next week. Referring to the possibility of being compelled by health to give up office, and to a letter of the Duke's speaking of his own wish to be released. In the desire to serve your Grace, "I put out of question every other consideration but that of absolute danger to my life." I have only at present to add that it is necessary to be perfectly secret upon any possibility of a change of Government, even, I believe, of so humble a part of it as myself, but much more so of your own most distant thoughts of resignation.

I am obliged for what you say about Lord Arran, and am only ashamed to think I have troubled you about it.

Concerning a threatening letter from Lodge Morris.

I am obliged for your communication upon the subject of your letter to General Pitt, and entreat you to let me see his answer. *Marked* "Most private."

S. Hamilton to the Duke [of Rutland].

1787, September 8. Dublin Castle.—Dublin affords nothing new. "From Cork the accounts are good. The Magistracy Bill has been carried through by means of the friendly and powerful exertions of Lord Shannon, and the very able conduct of Lord Earlsfort upon the Bench. An address was intended to your Grace against the measure, which there is every reason to think will be converted into an address to thank you for it." In Kerry the business was carried through by the Prime Serjeant, with the assistance of Lord Glandore and others.

Upon the triennial visitation of the Archbishop of Cashel, the clergy of every diocese in the province of Munster have addressed you with grateful acknowledgments of your conduct towards them. *Marked* "Private."

The Same to the Same.

1787, September 10. Dublin Castle.—Concerning Mr. Orde's health, Colonel St. George's request, and other matters of administration or patronage.

The Same to the Same.

1787, September 13. Dublin Castle.—The 30th falling on a Sunday, the ceremony of swearing in the Lord Mayor will be postponed to the next day. Shall a Council be summoned for the 1st October for appointing the sessions towns in the divided counties? If you approve, the Council may be summoned for one or two o'clock, and the business will be over before the hour of swearing in the Lord Mayor.

As to the application from Belfast to obtain some of the new coinage of half guineas and silver, I find the Government have no means of doing what they desire. Their own bankers and merchants must manage it. There is no letter from Mr. Orde by this packet. I am very anxious about his health.

The Duke of Rutland to [General Pitt, Commander-in-Chief].

1787, September 14. Castle Gore.—"My dear Sir,—I have considered your letter of the 3rd instant with much attention, and I shall just trouble you with a very few observations upon it. The allegations which you wish Mr. Orde to be called upon to state were, as I apprehend, contained in the course of the correspondence which from time to time passed between you and him. As for your complaint that no decision had been made on your representation of last year 'that previous communication should be held with the commander-in-chief before any official orders or determination were issued,' you must attribute such delay on the part of Government to motives of perfect delicacy, it being one of those matters which it were wise not to have defined. I confess to you that when you mentioned it to me I saw at the first glance that no decision ought, and that none such as you wished could be made. At the same time, my respect for you induced me to direct the question to be maturely considered before any opinion was expressed to you on the subject. The Lord Lieutenant would never take any military step of importance without previously consulting with the first military officer in the kingdom. The Lord Lieutenant would never determine on a legal measure without previously consulting with the Chancellor, the Attorney-General, and the other law officers of the Crown. But no man can possibly suppose that where supreme power is vested there shall at the same time exist a compulsory obligation for previous consultation before the Chief Governor shall be competent to form any determination on any subject. That communication which can only be private and voluntary, not official and constrained, as I have before observed, it would be imprudent in the Viceroy not to make, and, independent of other considerations with respect to you, I can assure you, both for Mr. Orde as well as for myself, our private feelings would ever induce us to make it. As for the responsibility which you suppose Mr. Orde declines, he certainly could appropiate none to himself without a depreciation of my station. As my minister he could only convey my sentiments and directions to those who are placed in authority under me, and in such matters he is responsible to me, and to no one else. I have only to add how much I am gratified by your expressions of friendship for me, and by the value you are pleased to set upon mine. My private regards are my own, and, I will repeat, are sincerely at your service; my public situation is the King's, and must be maintained and vindicated." *Marked* "Private." *Autograph copy or draft.* [*It appears that the letter as first sent to Dublin Castle was sent back by Mr. Hamilton for final revision, and that the letter as finally written was sent off about the* 20*th. See Mr. Hamilton's letters of September* 17 *and* 21.]

S. Hamilton to the Duke [of Rutland].

1787, September 15. Dublin Castle.—I have heard from Mr. Orde, who has been at St. James's, but does not speak comfortably of his health. I send warrants for the prorogation of Parliament, that the Proclamation may issue before the 25th of this month.

[Dr.] Robert Knox to the Duke [of Rutland].

1787, September 16. Scarborough.—I hope this will find you returned to Dublin after your tour in the north of Ireland, which we hear has been marked by the approbation of all ranks for your disinterested and distinguished administration of government. "It is with delight and satisfaction that I acquaint your Grace that the Duchess[es] of Beaufort and Rutland arrived here yesterday with your Grace's children. They are all perfectly well, only the Duchess of Rutland has got a trifling cough accidentally, which may require a little attention in her bathing. She seems perfectly well of her lowness and dejection of spirits. She is beautiful as an angel, which as an old *Medicus* I dare tell your Grace, and I hope will return to Ireland for the comfort and satisfaction of your Grace, and the admiration of the kingdom she presides in." There is a fair amount of company here. "Paddy Barnard hopes to see your Grace's horse win at Doncaster. I ask him if your Grace means to make him and me baronets. He tells me I must have patience." I am to meet the bishop and Hebb about the borough business. The promotion of Makin and some others gives great satisfaction to all the inhabitants. I have been thinking, with the bishop, that if you approve of it, the Duchess giving a play to the inhabitants will be the best mark of your attention and her condescension. I shall stay here with the Duchess as long as I can, but I may be called to London, as I believe the College of Physicians mean to make me one of their censors.

C. F. Sheridan to the Duke [of Rutland].

1787, September 16. War Office.—Transmitting letters for signature, and mentioning a private bereavement.

S. Hamilton to the Duke of Rutland.

1787, September 17. Dublin Castle.—As the Commander-in-Chief informs you that he shall lay his conduct at His Majesty's feet, and the whole correspondence will, therefore, be submitted to the King, I venture to obey your commands, and suggest some alterations in the language of your letter to General Pitt. [*The alterations here suggested appear to have been all adopted by the Duke in the draft as finally revised by him, and already given under date of September* 14.]

*W. Pitt to the Duke of Rutland.

1787, September 17. Downing Street.—[*Correspondence, p.* 185.]

Thomas Orde to the Duke of Rutland.

1787, September 17. Maidenhead Bridge.—I have been very ill, but went, notwithstanding, to St. James's, where I had the satisfaction of receiving from the King every expression of satisfaction in regard to your conduct of Irish government. Mr. Pitt has assured me that he would write to you at length upon the subjects which I had in charge to press upon him. This, however, may be delayed by reason of the critical state of foreign affairs. Anxiety for the success of your Administration led me to hint to Mr. Pitt that it might be necessary for

you to appoint another Chief Secretary in my place if a trial of the Bath waters should not succeed in restoring my health. I will, however, ask you to believe that if the present political cloud should break into storm and threaten extraordinary trouble and difficulty, which you should think me in any degree capable of assisting you to avert or diminish, I will suffer no consideration of health or weakness to keep me away from your side, and from exerting every remnant of ability I can summon to your aid and the public service. I have expressed myself in the same way to Mr. Pitt.

S. Hamilton to the Duke [of Rutland].

1787, September 20. Dublin Castle.—Mentioning a letter from Mr. Orde, and the necessary proclamations for the prorogation of Parliament.

C. F. Sheridan to the Duke of Rutland.

1787, September 20. Dublin Castle, War Office.—Concerning an informality in the proceedings of a court martial; a letter from the sheriffs of Dublin; and various matters of military administration.

Robert Knox to the Duke [of Rutland].

1787, September 20. Scarborough.—Reporting on the health of the Duchess of Rutland and children. "Her Grace gives a play this evening to the Corporation, who are all admiration of her condescension and goodness, and I must take the liberty to acquaint your Grace that the Duchess's appearance here, with the prudence of the Lord Bishop of Ferns, will do more good than a hundred blind spies, or the whole house of Tyrconnel combined." But I hear Lord Tyrconnel is coming to feast the Corporation on Monday next.

Lord Sydney to the Duke [of Rutland].

1787, September 21. Whitehall.—You will have heard from Mr. Pitt upon the situation of affairs in Europe. The King of Prussia has marched an army towards the province of Holland to demand satisfaction for the insult offered to his sister, Her Royal Highness the Princess of Orange, by the armed burghers. France indicates a disposition to march an army to support the province of Holland, although she, as well as the other powers concerned, professes a desire to settle their differences by negociation.

"His Majesty, thinking that any interference on the part of France in favour of a party in the province of Holland, in opposition to the declared wishes of the States General, cannot be justified by the late treaty concluded between that Crown and the United Provinces, and if acquiesced in may be detrimental to the interests of Great Britain, has judged it proper to put his forces into a respectable condition to be ready in case the conduct of other powers should make his exertions necessary for the interests of the country and the honour of his crown. At the same time His Majesty has directed every measure to be used that can tend to avert the calamity of war, consistently with the permanent welfare of his people. As it is difficult to foresee what may be the event of such a state of affairs, it is proper that I should put your Grace upon your guard. I am particularly desirous of recommending to the attention of your Grace the exportation of provisions of every

denomination, which we have some idea from reports that the French or other powers might attempt to obtain from Ireland. It may not be at present adviseable to lay an embargo upon such exports, but every measure short of it is immediately necessary. Should things grow more serious, your Grace may depend upon the earliest advice from me.

"A war has been declared by the Turks against the Russians, and it is probable that the Emperor may be obliged to take part in it." *Marked* "Most secret and separate."

S. Hamilton to the Duke [of Rutland].

1787, September 21. Dublin Castle.—Concerning matters of current business.

Thomas Orde to the Duke of Rutland.

1787, September 21. Bath.—I am apprehensive of our being involved in foreign disputes, and am the more impatient to hear the result of your correspondence with the Commander-in-Chief, as the continuance of a dispute would ill accord with the delicate operations necessary in a time of public trouble. Concerning staff appointments, and the overweening pretensions of Lord Earlsfort,

The Earl of Mornington to the Duke [of Rutland].

1787, September 21. Merrion Square.—Thanking the Duke for anxious enquiries during the writer's late illness, and hoping to have an opportunity of waiting on him before returning to England.

S. Hamilton to the Duke of Rutland.

1787, September 22. Dublin Castle.—I am anxious to hear of your Grace's complete recovery from an illness referred to in Captain Finch's letter. The King's letters for the Bishoprics and Deaneries have at last arrived. I have sent Mr. Orde your letter to him, with the Commander-in-Chief's letter and a copy of your answer. I sent the original (after putting your seal to it) to General Pitt. *Marked* "Private."

John Butcher to the Duke [of Rutland].

1787, September 22. Cambridge.—"This being an adjourned Common Day, I proposed that the freedom of this Corporation should be presented to your Grace, which was unanimously approved; but, as no one, according to the rules of the body, can be made free upon the day proposed, it will be necessary at the next Common Hall, on the 29th instant, for your Grace to be confirmed, which I trust will be done with the same unanimity."

[The Rev.] Charles Manners Sutton to the Duke [of Rutland].

1787, September 23. Aversham.—Expressing gratitude for the countenance shown him by the Duke, and confidence in his Grace's wise disposal of Church preferment in Ireland.

LORD SYDNEY to the DUKE [OF RUTLAND].

1787, September 23. Frognall.—I have just received the enclosed extract from Lord Carmarthen. The news is so good that I determined you should have it without delay.

(Enclosure.) "Substance of a duplicate from Sir James Harris, dated September 21, 1787.—The Prince of Orange arrived at the Hague on Thursday, two p.m.; was met by a deputation from the States General, another from the States of Holland, the Council of State, the Equestrian Order, the Committee Rada, the Courts of Justice, and all the different colleges. All the foreign ministers went to compliment him except the French, Spanish, and American. It is impossible to describe the universal joy at the Hague. There is still an appearance of resistance at Amsterdam, and they *talk* (*this is not all credited*) *of breaking down the sea dykes* rather than submit. Fifteen towns were present at the States of Holland; were unanimous in voting addresses to the Stadtholder. No account has been received of preparations on the side of France. But it was in contemplation for the States of Holland to come to a resolution declaring that the Prince of Orange was reinstated in all his rights—that it was determined to give the King of Prussia the satisfaction required, and therefore the resolution of the 9th instant applying for assistance to the Court of France was rescinded."

THOMAS ORDE to the DUKE OF RUTLAND.

1787, September 24. Bath.—Concerning the state of his health. I should conceive that your Grace might not dislike to visit Lord Shannon, especially after your late correspondence. I am much mortified at the passage of his letter wherein he "expresses the necessity of resorting to your Grace, as he had no chance of support from any other quarter." He also complains of neglects observed by the public. Considering the marked attentions that have been paid him, such charges or insinuations are most unwarranted. I am decidedly of opinion that he has a fairer claim than any man to decided favour, and should be earnest in helping forward his pretensions.

With respect to Lodge Morris, I do not wonder at your solicitude to have him disposed of as soon as possible, "as there does not exist upon earth a more importunate savage." I hope you will get rid of him entirely, for he has evidently shown that he is influenced only by his own interest, and that all his professions to you are "impertinent impositions."

I am impatient to see General Pitt's letter and your answer. When I can undertake such a business, I shall draw up a brief statement of the case which will completely expose him.

S. HAMILTON to the DUKE OF RUTLAND.

1787, September 25. Dublin Castle. — Concerning commissions from Lord Hillsborough. "Lord Hillsborough had a letter of authentic intelligence (by the messenger who brought the letter from Lord Sydney to your Grace), dated the 22nd, that the Prussian army have taken Utrecht, and are also in possession of Rotterdam, by which it is presumed they will prevent the Dutch ships of war from stirring. Orders are given for increasing the British military establishment. Ships are equipping, and the night before there was a hot press upon the river. The Prince of Orange has been invited to the Hague, and was expected there the 21st."

"I understand from the Bishop of Killala that the Duchess is coming to you, poste haste." I hope you have shaken off your cold, and will return in your accustomed health.

[Dr.] Robert Knox to the Duke [of Rutland].

1787, September 25. Scarborough.—Sending a good report of the health of the Duchess of Rutland and the children. "She never looked more beautiful in her life, to the admiration of all the world, and even of her old Doctor, who has the impudence to tell you of it." Lord Tyrconnel is come here, and gives a dinner to the Corporation. Two of your parsons, Dr. Bacon and Bulby, are here to pay their respects to the Duchess. Poor Dr. Storer, I hear, is not well.

The Bishop of Clonfert to the Duke [of Rutland].

1787, September 25. London.—I had the pleasure of seeing the Bishop of Killala at Cambridge, and was informed by him of your kind intention to remove me to that see. The translation will be very acceptable to me, and I beg leave to thank you for it.

*W. Pitt to the Duke of Rutland.

1787, September 26, Wednesday night. Downing Street.—[*Correspondence, p.* 187.]

Lord Sydney to the Duke of Rutland.

1787, September 26. Whitehall.—Though we hope that the present state of affairs is such as may not in the end lead to a rupture with any foreign power, yet it is necessary to put every part of His Majesty's dominions on a respectable footing as to defence. His Majesty's servants have no doubt that Ireland will be ready to contribute her share to the general support. In the first place it will be necessary to recruit, by draughts from the regiments now in Ireland, those which Ireland now lends to the general service of His Majesty's dominions, Great Britain paying five guineas per man levy money, which will enable Ireland to replace the men taken away. This is all that the King's servants ask at the present moment; but if the present disputes lead to war, this country will probably be obliged to call for further assistance from Ireland to the common cause, and upon the best method of doing this I desire your opinion. *Marked* "Most secret and confidential."

Thomas Orde to the Duke [of Rutland].

1787, September 27. Bath.—I have a promise, from Mr. Rose, that Mr. Browne will be taken care of forthwith. You will have received letters from Lord Sydney in reference to our preparations for war. I send you my correspondence with Mr. Pitt on the same subject. *Marked* "Secret."

The Same to the Same.

1787, September 27. Bath.—Commenting at great length on General Pitt's letter to the Duke, especially in reference to its personal reflections on himself. *Marked* "Most private."

The Bishop of Clonfert to the Duke [of Rutland].

1787, September 28, Friday. London.—Returning thanks for his promotion to the see of Killala.

Lord Sydney to the Duke [of Rutland].

1787, September 29. Whitehall.—In addition to my letter of the 26th, I enclose a state of the augmentation now ordered to be made to the regiments of infantry in Great Britain. By this you will see that the number of men immediately required by that letter from Ireland is about 1,500. Although matters still wear a favourable aspect, we are in hopes that this letter will find you in Dublin or near it, as, in the present state of affairs, every delay is attended with serious inconvenience. We have not yet received news of the surrender of Amsterdam, but are impatiently expecting it. *Marked* "Most secret and confidential."

Journal of the Duke of Rutland's tour in the North of Ireland.*

July 3, 1787.—"I quitted Dublin in order to proceed on a tour round the whole kingdom of Ireland, which I had for some time meditated. I made a little deviation from my original plan by going the first day to Sir John Blaqueire at Port Lemon, near Mullingar, in the county of Westmeath, a situation of considerable beauty, on the banks of a large lake, though not remarkably well wooded. We left Sir J. B. on the 6th, and crossed his lake on a tempestuous day. The country we passed through was very wild and romantic—lofty mountains, at the bottoms of which there were beautiful lakes. This style of country continued until you came to a village called Cross-a-Keel. The richness of the country then begins to improve. It resembles England. There are many good sheep walks, and it continues to improve on you till you reach Kells, the vicinity of which is highly cultivated. A great deal of fine corn is grown. I saw a large field. They told me it was mixture, barley and rye mixed. Land which is not suitable either to rye or barley alone will answer if they are cultivated together. The whole country about this is well planted, the land under tillage in exceeding good management, and many fine sheep walks. Kells is a very neat and well-built town. It belongs to Lord Bective, who has his seat near it. The place is well planted and judiciously improved; the house a long range of tasteless building, painted white. His father, Sir J. Taylor, was a great grazier and farmer, which accounts for the improved state of husbandry in the neighbourhood of Kells. Weemore, an herb used in dyeing, grows in this country spontaneously. In our way to Collon (the Speaker's, where we arrived about nine) we passed through a village in which there was a pattern (though it was Sunday), which answers to a wake in England. Here we saw men, women, and even girls intoxicated by that pernicious liquor, whisky, which inflames the brain to madness, and at the same time leaves a perfect possession of the limbs to commit outrage with. It is to be hoped that this abominable poison will in time be disused. They speak but little English in this part, though so near the metropolis. Tuesday, 10th.—We rode out to visit the passage of the Boyne, the spot famous for the battle which established King William in the quiet possession of his crown. From thence we rode along the banks of the river to Slane, a place of the

* A separate volume.

greatest magnificence. The banks are extremely beautiful, and the country exhibits a picture of judicious cultivation, good tillage, and luxuriant crops of various grain. The Speaker is a great improver, and his plantations are very extensive and thriving. At Collon a manufacture of thread flourishes under the auspices of the Speaker, undertaken by four Scotch women. Thursday, 12th.—I went by invitation to visit the town of Drogheda, where the Corporation entertained me and gave me the freedom of their town. Drogheda is a walled town, situated beautifully and conveniently on the banks of the Boyne, about three miles from the ocean. It is at present very flourishing and rising into great importance. There is a market, in which linen and yarn to the amount of 4,000*l.* is sold weekly. There is a great exportation of grain, particularly of oats, from the counties of Meath and Louth, so that 50,000*l.* worth has been exported in four months. Scotland is supplied from hence—the return all in money. This trade has been in some degree diminished since the great canal from Forth to the Clyde. They import large quantities of coals, iron, &c. A cotton manufacture and a salt works are likewise established in Drogheda. I made an excursion to Bellamont, through a dull, dreary, uninteresting country. Bellamont Forest is situated on a lake, and is a place of considerable beauty. There is a fine linen manufacture about it. At Coote Hill the finest sort of linen is fabricated. I went to Hillsbro and from thence to Dublin, to be present at a council, and returned the next day to the Speaker's. The county of Louth is a very thriving, fertile country, improving every hour; the land remarkably rich and in excellent cultivation. At Castle Bellingham a very extensive and good brewery is established, which I hope will be the means of introducing the use of beer instead of that pernicious liquor, whisky. Dundalk is a large town, well situated for trade, but its powers do not seem to be properly exerted. There was formerly a large manufacture of muslin here, and a colony of the Dutch, for which Parliament granted a large sum of money, but it came to nothing. There is a new linen hall now building. Newry is a town of great consequence; it has, however, been declining for six or seven years, as a good deal of smuggling has been introduced into the place. It seems admirably calculated for that purpose. It is situated about seven miles up a river, the mouth of which forms the Bay of Carlingford, the only quarantine bay on the northern coast. It contains many beautiful views and has many inlets into the country, which are admirably adapted to illicet traffic, and the custom house being at Newry, and the collector resident there, the fairest opportunities are afforded. The county of Down is the county where the linen manufacture is in its greatest perfection. About Banbridge, through which we passed, I saw a considerable quantity. Hillsbro is a beautiful town, rising into prosperity by the spirited exertions of the proprietor, the Earl of Hillsbro. He has built a beautiful church and has established a market, which is getting into great credit. They have a good brewery here. They sell about 300*l.* or 400*l.* worth of linen [every] week. Here is a cambric or muslin manufacture, I forget which. The principal manufacture is the coarsest linen, called the Hillsbro hugg. Lisburne is a large town, about which the linen manufacture is in its glory. It belongs to the Earl of Hertford, and will soon be out of lease, when the rents will increase from 12,000*l.* to about 25,000*l.* yearly. It is, or has been, the seat of discontent and faction and sedition. A society was here first formed to overset every establishment, calling themselves, by a prostitution of the term, the *Constitutional* Society. Belfast is a giant of a town, flourishing in everything. Five hundred houses have been built in a very short space of time, I think within a year. Their trade is

immense. They go to the West Indies, and to almost every quarter of the globe. A single ship paid this year 10,000*l.* King's duty. The revenue collected from this part amounts annually to 120,000*l.* It holds about 16,000 inhabitants. It is full of Presbyterians, and was much connected with the Americans during the calamitous contest. It has always been very factious, but I was received with much kindness and they gave me my freedom. This is the town where the spirit of volunteering has fixed its throne.

August 3.—I went from Hillsbro to Bangor, from thence by Newtonardes, where there is a very good brewery, to Castle Ward, upon the Loch of Strangford—a beautiful situation. The population of this country is incredible. At Hillsbro races I am convinced I saw above twenty thousand persons collected. The Bay of Strangford is well adapted to smuggling, and the excellence of the situation is not lost upon the smuggler. The baronies of the Ardes form a small nook of land, about two or three miles broad. It runs out in a point—on one side the main ocean, on the other the Loch of Strangford. The port of Strangford, as far as I could judge, or recall, is situated about two miles from the mouth of the bay, but the mode of smuggling is to land their goods on some part of the barony of Ardes, between Doneghadee and the entrance of the river, at Clogheen, or some such place. They then cross this small nook of land, from whence in a boat they convey their goods across the loch, and then dispose of them in the internal parts of the county of Down, or carry them to any part of Ireland they may think proper. We crossed from Bangor to Carrickfergus, where I was entertained. This is a very ancient town, without much trade. It is the county town of Antrim, which right they hold by charter, although very inconvenient to the public. The assizes were attempted to [be] removed to Antrim, a very central place, and a Bill was brought in for that purpose, but a sacred regard to an ancient charter carried the point. Shanes Castle is a very extensive and singular place, whose walls are washed by the waters of a lake, twenty-one miles in length and near twelve in breadth—63,000 acres of land under water. There is a canal from Newry into Loch Neagh, which supplies the counties of Antrim, Derry, &c. with every commodity. I understand smuggling is carried on in this lake. There is at Randallstown a monthly market in which linen is sold, from 3 000*l.* to 5,000*l.* Antrim is the second linen county in Ireland. The province of Ulster is filled with Dissenters, who are in general very factious—great levellers and republicans. There are many sects—Old Light, New Light, Seceders, &c. The former are the old Scotch Presbyterians, who agree with the Church of England in articles of faith, but oppose Church discipline. The second deny the divinity of Christ, and the last I know nothing about. There are some Moravians, who are a neat, industrious people, quiet in their living, and of principles amenable to Government. The dissenting ministers are for the most part very seditious, and have great sway over their flocks, but they are cunning enough not to show their teeth but when they can bite, so that I found no interruption from them, nor were they troublesome to me in the course of my tour, though I know they have an essential point to carry with Government. Glenarm, Lord Antrim's, has nothing about it magnificent, except the natural face of the country. It is situated close to the water, Scotland in full view. He has the remains of a princely estate, which his father destroyed by letting it in leases for ever. Near Glenarm is Red Bay, a place eminent for smuggling, carried on in the most extensive manner by the union of a Scotch and Irish company. Coleraine is a borough town, where Mr. Jackson, to whom one of the seats belongs, resides in a very neat house. It stands on the Ban, a

river famous for its extensive fisheries—"Fish fruitful Ban." The situation of Derry is very striking. It is a town of great trade and superior smuggling. It rises, as it were, to the summit of a hill, by degrees out of the water itself. The area within the walls is about the space of Stephen's Green; the circumference of the walls an English mile. The river on which it stands is in breadth opposite Derry about the size of the Thames at Westminster Bridge. Ships of very large size come up there. The mouth of the river is about thirteen miles from the town. Smuggling reigns there with uncontrolled dominion. Sir H. Langrishe, one of the Commissioners of the Revenue, went there unexpectedly and made great seizures, but not in the utmost extent, and recommended great changes among the Revenue officers. The population of Derry amounts to about 7,000 persons. The Church congregation is the largest, next the Presbyterian, and there is a mass-house. Strabane is a town which has a very extensive inland trade. It belongs to Lord Abercorn, who has built a large and handsome mansion-house in its neighbourhood, where he never resides. From Lord Abercorn's you pass through bleak, dreary country, inhabited by moor game, to Loch Erne, a beautiful lake of a considerable extent, interspersed with a number of islands well wooded, 366. It rises at Belturbet and extends to Ballyshannon, and is navigable to the ocean, except in a space of about three miles. Many houses in his vicinity: Lord Enniskillen, Lord Belmore, Lord Ross, where we were entertained. Enniskillen is built on an island. It is the county town, full of Protestants, and is memorable for its defences. There is a school here endowed with about 1,100*l.* a year, where not above twenty boys are at present educated, and who pay for their education. A good barrack is likewise building. From Lord Enniskillen we passed Swadlingbar, a miserable [village], but famous for its Spa. From thence to Carrick-on-Shannon in our road to Lord Kingston's at Boyle. Near Carrick I met the widow of Sir Nugent Reynolds, who came out to thank me for the affording her the assistance of Government to bring to justice the murderers of her husband. The country has nothing about it worthy of regard. The Shannon even here is a spacious river. Lord Kingston's is upon a beautiful lake interspersed with wooded islands. Boyle is a small market and borough town. The same bleak, uncultivated country persued its character through the county of Sligo, until we arrived at Ballina, when we crossed a bridge over the Moyle and entered Mayo. We proceeded to Mr. Cuff's, at Castle Gort, a wretched house he hires from Lord Arran. From Mr. Cuff's we went to Castlebar, traversing the most miserable and inhospitable bog by Foxford, where the game, which derive theirs from the moors, could scarcely find sustenance. We passed the land rendered famous by the murders and desperate acts of George Robert Fitzgerald and his banditti, whose life was at last forfeited to the laws he had so long offended. I went to visit Lord Lucan at Castlebar. The linen manufacture is encouraged about this town, and a linen hall is about to be built at the public expense. It has a market, in which about 500*l.* weekly is sold. The natives of the town seem to be a desperate kind of half gentlemen; a species of gladiator, who are kept more quiet by the proper execution of Fitzgerald. We returned back to Mr. King's at Ballina. We amused ourselves by shooting at, but missing, seals in the River Moyle. We visited the wretched episcopal town of Killala, supported entirely by fishing; and, in truth, we can make no other remark but that the hospitality of the gentlemen at whose houses we visited made the most inhospitable-looking country on the globe comfortable and pleasant. In Connaught you frequently pass stones piled up by the peasants, which are the monument of some

murder, or duel in which a life has been lost, having been committed. I went to Ballinrobe, a tolerable town, to hold a council, which is situated in a fertile, well-cultivated country. From thence I passed through a continuation of dreary mountains to Lord Altamont's, at Westport. It is a good house and has considerable beauty about it. The town has been built since the year 1770, and is improving. There is a great herring fishery, which contributes to enrich the place greatly, and I believe much smuggling. The bay contains many fertile islands. At a distance you see Clare Island, which is very considerable, and a large receptacle for smugglers. Croagh Patrick, a very lofty, conical mountain, stands immediately over the [bay], and considerably adds to its beauty. I staid here some few days, and caught a violent cold by remaining late on the water. I then, after having rode some miles through a dreary country, passed by the ruins of an old abbey of great beauty and very perfect. Part was covered in, and at the place were the altar formerly stood I saw a man instructing poor boys in English. After that the country became very fertile, mostly very fine pasture. We passed through one field through which a vein of stone, flat like a pavement, ran in a certain breadth. Holymount is in champion country, and I saw much corn growing in a soil to all appearance very congenial to anything, all the way to Tuam. It was late when I passed through that town, but it appeared to have nothing about it worth notice. I was ill during my stay at Lord Louth's, and indeed during my whole continuance in the county of Galway, which prevented me from making any but a general observation on the country. The whole county is flat, but the land is good, and it produces greater quantities of cattle than any other county. Athenry is a very small, ugly, but singular borough town. It was built by King John, and entirely surrounded by walls, which remain at present. There is a barrack here, but at present disused. Galway is situated on a beautiful bay. It is a curious old Spanish town, and contains about 15,000 inhabitants. I staid here but a day, and was not well enough to survey it thoroughly. I went from Dunsandle to Loughrea races. The town belongs to Lord Clanricarde. It stands on a lake. It is tolerably built, and improving. Some linen is made here. The country seemed tolerably populous, if any judgment could be formed from the appearance at the races. The country remains good all the way to Balinasloe. Here is the greatest fair for cattle of all sorts in Ireland; it continues but a day. From Balinasloe I rode through a country very unequal till I arrived at Athlone. It is a place of some note in history. It is built on each side of the Shannon, joined by a bridge; one side is Connaught and Roscommon, the other Leinster and Westmeath. The Shannon is very spacious here, and about five miles above, it forms a bay of eleven miles over. There is a good cavalry barrack here and a riding house. They stopped me unexpectedly and gave me my freedom. I remained about an hour and then rode to Sir John Blaqueire's, and from thence the next morning, being September 29th, 1787, proceeded for Dublin; the prospect of a war with France, in consequence of her interference with the affairs of Holland, rendering my presence in Dublin of absolute necessity."

JOHN BUTCHER to the DUKE [OF RUTLAND].

1787, September 30. Cambridge.—I have the pleasure to inform you that the presentation to you of the freedom of this borough was yesterday unanimously confirmed at an overflowing meeting. After dinner (her Grace of Rutland having sent a buck for the Mayor's feast), the healths of yourself and family were drunk with great enthusiasm.

The Duke of Rutland to Lord Sydney.

1787, September 30. Phœnix Park.—"I shall by this messenger only acknowledge your Lordship's letter of the 26th, and assure you that I will carry his Majesty's commands into execution respecting the augmentation of the regiments in the pay of Ireland on foreign service from the Irish establishment, with all possible zeal and dispatch. Your Lordship will therefore be pleased to direct returns to be sent me of the numbers which may be wanting to complete the battalions intended to be completed, and your Lordship will likewise order a transport to sail to the port of Waterford, with all convenient speed, to receive the drafts from the different regiments here. I shall write further to your Lordship by to-morrow's packet. *Postscript.*—Am I to understand that the regiments now abroad in the pay of Ireland are to be increased in the same proportions as it is intended for those on the British establishment? I shall write to Mr. Pitt by to-morrow's mail. *Press copy. Marked* "Secret and confidential."

The Earl of Tyrone to the Duke [of Rutland].

1787, September 30. Curraghmore.—Recommending Ensign Beresford to the Duke's protection.

[Dr.] Robert Knox to the Duke [of Rutland].

1787, October 1. Scarborough.—The Duchess of Rutland continues perfectly well. By sea-bathing and regular hours she enjoys better health than by living up to the etiquette of Queen of Ireland, with all the appanages of royalty. The children are well. I see there is ordered an augmentation of the army. If you should be pleased to give a commission to my son, Granby, I have to ask you to accompany it by leave of absence for six months, which you can renew if thought necessary.

John Mortlock to the Duke [of Rutland].

1787, October 2. Cambridge.—Assuring the Duke of personal attachment to his family, and informing him of the intention of the Duke of Bedford to support one of his own brothers for the county at the next election. "Whether your Grace will think it right to sit still and be a quiet spectator of that event is a matter for your Grace's consideration. I have ever regretted your former resolution of not interfering upon the vacancy occasioned by that very memorable (but ever to be lamented) event of poor Lord Robert's death, but lest you should still continue in the same determination, I cannot help suggesting that if the Bedford interest comes in and the Yorkes continue, such a junction may be the consequence as *you* may hereafter find very unpleasant, and impossible to overthrow." I have great satisfaction in communicating, as Mayor of the Corporation of Cambridge, the unanimous request of that body that you will permit us to enrol you amongst the free burgesses of this borough. I have also to return you many thanks for a fine buck which the Duchess did me the honour of sending for Michaelmas Day.

[Dr.] Robert Knox to the Duke [of Rutland].

1787, October 3. Scarborough.—The Duchess and all the family are perfectly well. I leave this place in a day or two; her Grace proposes remaining ten days longer.

The Duke of Rutland to W. Pitt.

1787, October 3. Phœnix Park.—"I was so unwell on my arrival in Dublin that I could only then write to Lord Sydney and acknowledge his letter, and assure him of the zeal with which I should execute the directions given to me respecting the augmentation of the regiments which Ireland furnishes for foreign service by drafts from this establishment. I confess I had hoped that nothing but the actual existence of the Empire would have been considered as a sufficient cause for our engaging in a war. But though ignorant of the steps which the prudence, the credit, and the policy of the country and of your Government obliged you to take, my opinion is that as we are once embarked, the most vigorous and active measures, such as you have adopted, are the surest means either to secure peace, or to command success if war be inevitable. I have given every necessary direction for the immediate accomplishment of your wishes on the occasion, and I hope the zeal and celerity with which this requisition will be complied with will be a token of my readiness to make more serious exertions in the defence of the Empire, if more serious exertions become necessary. I am persuaded Ireland will rejoice in the opportunity of manifesting her zeal in the support of an *English cause*, and of contradicting any jealousies which at any times may have unjustly existed against her of want of attachment and of affection towards Great Britain, and of her not feeling a common interest in all which may concern the sister kingdom. I am much mistaken and greatly deceived in the zeal and spirit of this nation, if when the aid of Ireland may be required she shall be found penurious either of her men or her treasure, or declining to contribute a ready, liberal, solid, and efficacious assistance. I think I may flatter you with every assurance to the contrary, and I am persuaded I shall not be disgraced with the character of a false calculator. I am under no great apprehensions about the revival of the volunteers. Their inconveniences have been heartily felt by all descriptions of people, and I shall not scruple to declare my decided disapprobation of any such attempt, fully persuaded that the principal gentlemen throughout the whole kingdom will concur in discountenancing the reiteration of so dangerous a measure. A Militia Bill has its objections and its difficulties here; but anything is to be preferred to a system of volunteering. That measure, however, may be the consideration of a future day, if we should ultimately be obliged to have recourse to any such expedients. I have still hopes that Mr. Orde's health will permit him to return to this country. In the present conjuncture it would be an unfortunate event if he should be obliged to abandon his situation. He is in the midst of systems which are very popular, and for which my Government is pledged, and at the same time I think I could derive more assistance from him in bringing forth the efforts of this country than from any new man, who will have fresh claims to resist and, of course, fresh difficulties to contend with. I know not how far Fitzherbert's health will enable him to engage; but from my acquaintance with him, if he brings sickness and an impaired constitution from St. Petersburgh, he will not much mend it by a campaign of incessant importunity and perpetual anxiety here. At the same time Fitzherbert I love, and I know him best among all those whom you have at different times pointed out to me on the same occasion. But I will have no option in such an event, and if it should, unfortunately, take place, I shall desire you precisely to mention a successor as of your particular wish, which will save me much trouble and distress, the prospect of a change having already involved me in some embarrassing applications." *Press copy. Marked* "Most secret and confidential."

The Duke of Rutland to Lord Sydney.

1787, October 3. Phœnix Park.—On my arrival in Dublin I could only acknowledge your letter, and assure you of the alacrity with which I would respond to the call made on me for 1,500 men. I was so ill from the effects of a violent cold caught at a party on the water, and which has left me a constant succession of head-aches, as to be obliged to defer writing more at large. I am now to desire you to assure His Majesty of my active zeal to co-operate with his other confidential servants to give effect to those measures of vigorous decision which the credit and policy of the Empire have called for, and the wisdom of Government have adopted. I hope the exertions you have already made will prevent a rupture with France. In the event, however, of war I shall feel a pride in co-operating with the loyalty of this people, who will be eager to embark with their lives and fortunes in the common cause with Great Britain, and in the vindication of their Sovereign's honour and dignity. I shall certainly continue in Dublin while matters are in the least degree precarious. *Draft, marked* "Secret and confidential."

The Duke of Rutland to General Pitt, Commander-in-Chief.

1787, October 4. Phœnix Park.—"I return you my best thanks for the attention you have given to the letter which I communicated to you from Lord Sydney, and I beg you will be assured that I am sincerely obliged to you for the open and candid observations which you have made upon its contents. At the same time, in the present very critical conjuncture, when the utmost vigour and universality of preparation is thought necessary to maintain the credit and support the interests of the Empire, I should not hold myself justified in refusing the assistance required by Great Britain, and, indeed, my opinion is that almost every other consideration should be hazarded rather than that the efforts of Government in the present moment be restrained. I likewise flatter myself that, by proper exertions and alacrity in the recruiting service, the temporary loss which the Irish army will sustain may be readily supplied. With respect to any further requisition, that being a future consideration, it cannot at present come into discussion. But I am persuaded that whenever any shall be made it will be proportioned to the strength and ability of this kingdom. At the same time you must be so perfect a judge of the state of the army and the resources of this country for its future increase if the exigencies of the Empire should call for it, that, if you have no objection, I would wish to impart your sentiments on this subject to His Majesty's confidential servants. As your letter was confidential to me, I would not venture to communicate it without your previous consent." *Marked* "Private." *Copy or draft.*

Lord Sydney to the Duke [of Rutland].

1787, October 5.—My letter of 29th will have explained what might have been wanting in that of 26th, 1,500 being the number of the draughts required. Amsterdam was not taken by the last accounts, but its reduction was supposed to be very near. Our Parliament will meet on the 15th of next month for the dispatch of business, whether we have peace or war, to provide for the expenses already incurred. Our friend Lord Townshend has been made a marquis. *Marked* "Most secret and confidential."

GEORGE Y. KENDALL to the DUKE [OF RUTLAND].

1787, October 6. Paris.—I reached here on the 29th September; the day after I went to pay my respects to our new ministers at Versailles. I dined with our first minister, the Archbishop of Toulouse, an old acquaintance of mine, who received me very graciously. Since that I have been running to different country houses. This has delayed me in obeying your commands about the two cooks; I have, however, made inquiries and shall not neglect the business. I find everybody expecting war from the preparations making in England. I have been of opinion, and shall persist in the idea, that peace will continue, especially as it is said Amsterdam has surrendered to the Prussians, so that the business of Holland is now over. The Parliament is reinstated at Paris, all obnoxious measures are given up, and they have enregistered the edict for the perception of the two *vingtièmes*—a land tax—to the full value. The provincial assemblies will take place immediately, and the reform in our home expenses goes on briskly; it is confidently stated that the savings will amount to upwards of 80 millions of livres annually. There are still great resources in this country untouched, therefore it is much better to leave it to itself in quiet. The Emperor has restored the Flemingers to their rights and privileges, and may now engage with Russian Empress in further projects against the Turks.

THOMAS ORDE to the DUKE OF RUTLAND.

1787, October 7. Bath.—I have been anxious about your health, as I heard that you had been attacked with some degree of fever before returning to Dublin. But Mr. Hamilton assures me you are well again. Appearances are unfavourable to peace, and I am afraid this may occasion trouble to you. If, however, England is involved, forward co-operation on the part of Ireland must be extremely beneficial on all accounts, and while it will make a useful impression on the observation of foreign nations, will tend materially to keep matters in good order at home. I am glad to find from Mr. Hamilton that steps are taking in Ireland for the supply of assistance to the general cause. I suppose General Pitt will, for the present, stay in Ireland and drop his nonsensical pretensions, and perhaps things will go smoothly as I am out of the way, who was the unfortunate object of indignation and resentment.

You were not in Dublin when Mr. Reeves came over to assist in preparing some of the business relating to the intended system of education. You must have remembered him at Eton, and, I am sure, have since been acquainted with his merits. I am sorry he cannot be a more constant assistant in the promotion of an object which he understands so well.

Postscript.—"Lord Lansdown is at Bowood and well, but not in a good humour. He says there was not common sense in going to war for the Stadtholder."

The EARL OF MORNINGTON to the DUKE [OF RUTLAND].

[1787, October 10? Dublin.] Wednesday morning.—I am very sensible of the kindness of your letter, which only reached me as I was setting out for the country. I should be obliged if you will allow me a few minutes conversation with you this morning.

The Earl of Mornington to the Duke [of Rutland].

[1787, October 10?] Wednesday morning. Holles Street.—I should be obliged if you will allow me a few minutes conversation before my departure. I sail to-morrow morning at six o'clock.

Thomas Gascoigne to the Duke [of Rutland].

1787, October 10. Parlington.—The papers tell me you are returned to Dublin after a prosperous tour, and the Bishop says you are going off again to visit Lords Shannon and Tyrone. I will intrude on you by an application in favour of an old gentleman, a Mr. O'Bryen, of the county of Cork. I am not acquainted with him, but know his son well, and, strange as it may appear in me to ask a favour from Government for his father, he is a warm partizan of Fox, and was very active in the Westminster election, as you may remember, from his being tried for the murder of a man killed in one of the riots. The Bishop of Ferns has been here; we shot together on Thursday, and I accompanied him back to Scarborough. I never saw the Duchess of Rutland looking better; your children are charming and wonderfully improved. I am flattered with the prospect of a visit from her on her road to Chevely; nothing will give me more pleasure, though I am not a little alarmed at the formality of her mother, whose stiffness overcomes me. "The Bishop is far from well; talks of his not holding out long. If so, I bespeak Fernes, having attended the two Dutchesses to church last Sunday as a preparation for entering into orders." The voters at Scarborough are happy in the present situation of things; three interests, and a contest inevitable. Whatever you obtain for them passes for Lord Mulgrave's getting, and if you do not mind he will undermine you. My children are well; your godson grows a fine lad.

Captain A. Pye Molloy to the Duke [of Rutland].

1787, October 13. Sackville Street.—I have been appointed to the command of the *Fortitude*, of 74 guns, at Plymouth, with the nomination of all my officers. I am, however, anxious to obtain, when the war is over, the post of captain of the King's yacht, now vacant, and ask you to apply in my favour for it to Lord Howe. I need not say how happy I shall be to receive on the *Fortitude's* quarter-deck yourself or any person you may wish to send me.

Thomas Orde to the Duke [of Rutland].

1787, October 14. Bath.—I hope you have shaken off any symptoms of ill-health. I am distressed to be unable to give a better account of my own progress. I am afraid that I must cease to indulge hopes of ability to return to Ireland in the station which I have had the honour to hold. I do not, however, feel at liberty to make the absolute decision until I have taken the deliberate opinion of the physicians in a consultation for that purpose, in London. I could, if it were necessary, bring many circumstances, besides my personal attachment to you, to convince you of the reluctance I feel to quit my situation; the disappointment of the earnest desire of seeing the measures which you have set on foot brought to a happy issue, the hopes I had of a more quiet time of government after all the perils past, the flattering pride which I took in the sense of your confidence, and I may add—though a matter of smaller

consequence—the power of supporting Mrs. Orde and my family in the position to which they have every claim from my most determined efforts. I am now a poorer man than I was at the commencement of my career in a public line of life, and upon my retirement must reduce my establishment to a very humble footing. In conclusion, I must acknowledge your most friendly attention to the object of a conditional provision for Mrs. Orde, to which, indeed, she will not now have any further pretensions upon my retirement.

The Duke of Beaufort to the Duke [of Rutland].

1787, October 14. Badminton.—Concerning leave of absence and an application for a company for his son, Lord Charles Somerset.

Henry Dundas to the Duke [of Rutland].

1787, October 16. India Office.—"I had just wrote the enclosed to Francis [Colonel Dundas] when I learned by a letter from Scotland that he was there. Although addressed to Francis, the letter is truly for you."

(Enclosure.)

"General Shene has got liberty to sell out, and Lord Sydney writes to me he has notified it to the Lord Lieutenant." We were much obliged to General Shene in carrying Colonel Wemyss's election for the county of Fife, and upon that score. I hope the Duke of Rutland will expedite the business. "Tell his Grace I would like much to drink a bottle of claret with him, and talk over the present situation this country has returned to. There is not a reason to doubt that we shall have either a vigorous and successfull war, or a glorious establishment of peace.

"Is not your late appointment to Carrickfergus another proof of the Duke's undue partiality to you?"

The Earl of Mornington to the Duke [of Rutland].

1787, October 17. Buxton.—I was unfortunately unable to see you before I left Ireland. You will be glad to hear that my recovery advances fast; my physicians have sent me to Buxton. I cannot say much for the liveliness of the place, but I like the bath, and have great hopes it will soon remove all trace of illness.

You are probably better informed than I am, but I have great hopes we shall yet have peace. "In any event, however, the conduct of Pitt must stand above all detraction; he has already astonished all Europe by the alacrity of the late armament, and his name as a war Minister is now as high as that of his father ever was."

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FOURTEENTH REPORT, APPENDIX, PART VI.

THE

MANUSCRIPTS

OF THE

HOUSE OF LORDS,

1692—1693.

Presented to both Houses of Parliament by Command of Her Majesty.

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INTRODUCTION.

THIS Volume, which carries the Calendar down to the Session commencing on 7 Nov. 1693, begins with the meeting on 2 Jan. 1691–2, after the adjournment on 31 Dec. 1691, when the King, in his Speech inviting further supplies for prosecuting the War, had recommended the dispatch of business with a view to an early close of the Session. A variety of Bills were accordingly pushed forward in the Commons. Three of these—each emanating from the Whigs and laid aside by the Lords—are preserved. The two most important of them, for vesting the forfeited estates in England and Ireland in the Crown, to be applied to the use of the War, revive in part the provisions of the abortive Attainder Bill of 1690, as then amended by the Lords (Nos. **558** and **559**). The third, which Ralph suggests was intended to "straiten the Ministry in their "borrowings on the public funds," proposed to reduce to 5 per cent. the legal rate of interest, which had been already reduced from 8 to 6 per cent in 1660. It anticipates the Act of 1713, except in including bankers and in excluding loans to the Crown (No. **536**). Two other Bills, which also failed to pass, are wanting, having been dropped in the Commons in consequence of the Lords' amendments. One of these, which was brought into the Commons by Sir Christopher Musgrave, a Tory, was for reviving the Public Accounts Commission. It was lost, after a controversy between the two Houses, by the Lords adhering, by a majority of only 9, to their amendments, including the addition of four Commissioners, not members of the Commons, chosen by ballot from a list of 42, whose names are recorded (No. **539**); but the substance of the Bill was saved, as is known, by means of a Proviso irregularly tacked to the Poll Act, and acquiesced in by the Lords. With regard to the other, a Bill "to prevent

" false musters and for the better paying of quarters," which proposed to remedy an evil exposed by the Accounts Commissioners in their first Report,* by providing for the future payment of the Army according to the number of actual effectives, there is a curious proviso, which was offered but laid aside in the Lords, exempting from punishment for deserting or demanding his pay any non-commissioned officer or private who could prove that his pay was forty days in arrear (No. **553**).

On 24 Feb. 1691–2 both Houses adjourned till 12 April, after which a series of prorogations by Commission, the last of them on 26 September, deferred the commencement of the new Session till 4 November, when the King, only recently returned from the Continent, opened Parliament in person on his birthday. The Lords, after adjourning for three days, as the Commons did for six—for what reason does not appear—took up at once, to the exclusion of other business, a complaint by the Earls of Huntingdon and Marlborough, which will be noticed later on among other cases of Privilege. The sequel to their proceedings was the introduction—after learning the King's intention to discharge the Earl of Huntingdon's recognizances—of a Bill to indemnify the Ministry for these and other commitments. It passed into law as originally drafted, the Lords abandoning the Clauses added in Committee and objected to by the Commons, as tending to hamper the Executive at a time of public danger. These Clauses are among the papers, and are instructive as showing traces of the dispute which preceded and probably occasioned the Act (No. **608**). A later consequence of the fear of Jacobite designs will be found in an Abjuration Bill† brought into the Lords the next Session (17 Jan. 1692–3) by the Whig Earl of Devonshire, "to prevent dangers which "may happen from persons disaffected to their Majesties' "Government," which dropped, however, after being committed by a majority of 46 to 41. This Bill, which has passed unnoticed by historians, except Burnet,‡ who vaguely refers to it, enacted that all office-holders under the Crown,

* No. 468 in last Calendar.

† *See* also last Calendar, No. 265.

‡ Own Time, IV. 103.

as well peers as commoners, should take, on pain of forfeiting their office, an Oath of Abjuration, promising to be faithful to William and Mary, to repudiate any former oath or obligation of allegiance to James II., and not to assist or hold any correspondence with him, but to assist William and Mary against him and all their enemies (No. **664**).

On consideration, at length (28 Nov. 1692), of the Speech from the Throne, the Lords, taking advantage, like the Commons, of a conventional compliment in it to the "advice" of Parliament, went into a Grand Committee on the State of the Nation (No. **611**), with the primary purpose of criticising the conduct of the War on land and sea. The record of proceedings explains clearly the course and character of a series of animated debates, the practical result of which—after a collapse, through a difference between the two Houses, of the enquiry into the naval miscarriages of the summer—was the presentation, on 18 Feb. 1692–3, of an Address of Advice to the King. As regards this Address, in the debates on which Marlborough, smarting possibly from his dismissal by the King and his still more recent commitment, took a prominent part, the main ground of complaint by the Lords was the King's employment of foreigners, as being subversive of discipline. The Resolution, recommending in effect the dismissal of Count Solmes, passed without a division, after an amendment to postpone its operation until his command-in-chief fell vacant had been negatived on the previous question. A scrutiny of the lists of the Ordnance Office and the Flanders Train showed, as will be seen from the papers, that nearly all the chief posts were held by foreigners. Two of them, each a Dutchman, were singled out for dismissal—namely, Col. Gore, the chief officer of the Train, and Meesters, the Comptroller, who was also a member of the incriminated Board of Ordnance, and Storekeeper at the Tower. As to Meesters, there was no division; but the motion necessitating Gore's removal by restricting his post to "one of their Majesties' subjects" was agreed to in Committee only after the previous question had been carried by a majority of 3, and was negatived on report by an equality of votes, produced by proxies, after a proposal to substitute native-born subjects had been rejected by a bare

majority of 2. A Head for advising the King to ask for cautionary towns (Ostend and Nieuport were mentioned but not insisted on), "for the security of his troops,"* was rejected by 36 to 24; and the motion, ascribed to the Whig Earl of Warrington, for removing disaffected persons from the Lieutenancy of London, was reserved for a separate enquiry, which had no result beyond condemning as "insolent" a paper on that subject handed in at the door by a person who, according to Luttrell, fled to avoid arrest. The Address of Advice was finally agreed to, with the addition of a complaint concerning the impressing as seamen of men intended for land service.

The examination into the naval miscarriages of the summer began, on 29 Nov., with a motion to enquire into "the in-" tended descent on France, and the reason of our ships being " lost since the victory of La Hogue" on 19 May. It ended, after a trial of strength between the supporters of Nottingham in the Lords and the supporters of Admiral Russell in the Commons, in an indecisive Conference between the two Houses. As regards the failure of the descent on France, the statement put in by the Transport Commissioners adds little to what they delivered to the Commons. Nottingham's Case or Narrative, which was brought in by him on Dec. 6, communicated to the Commons at a Conference, and read by them in the House on the 20th,† and finally returned to the Lords, has also been printed in the Commons' Journal, but with many inaccuracies and two important omissions. One of these omissions is the absence of any reference in the narrative to Russell's remarkable letter of 29 July, which is stated to have been annexed to it, and is somewhat meagrely described there as containing "reflec-

* This note of the Clerk is ambiguous, but the object of the Head, which occasioned a "very long and fierce debate," was clearly not strategical, but financial, namely, that Spain and Holland, the assisted Powers, should give pledges for repayment of the expenses of such assistance, as they had offered to do when imploring the assistance of Queen Elizabeth. *See* Ralph, ii. 396.

† This is shown by the endorsement, which bears the initials of Paul Jodrell, the Clerk of the Commons, and disposes of Burnet's statement to the contrary. The original letters, from which the Narrative was compiled, were produced to the Lords and returned to Nottingham in the following March, but their number and dates are ascertained from a list taken down by the Clerk. There is nothing to show that they were ever communicated to the Commons.

tions upon the whole matter."* The other omission is an extract from a letter from Nottingham to Russell of 26 July, enclosing a Queen's Order of that day, urging an attempt on Brest, and, in particular, the burning of St. Malo, on the faith of some information brought by a Capt. Wilkins, which, as is now shown, turned out to be incorrect.†

The mass of Papers brought in by the Admiralty, consisting of official copies of Orders to and Letters from Russell, form a source of information hitherto untapped, except in part by Burchett, the only naval historian of the time. They cover a period extending, with breaks (two books of Russell's Letters being wanting), from 2 April to 28 August 1692, and a digest of them will be found in this volume, arranged under various heads for the purpose of facilitating research. Some points come out clearly from this correspondence which deserve more than cursory notice. One of these is the actual strength of the Fleet which fought the French at La Hogue. Russell's line-of-battle on 15 May gives a total of 64 ships of the line, but only 57 of these appear to have been then available, for he writes the same day, saying, "the Dutch that are now with me are 22 in number, which "is all we expect in any time, so that with those of our own "we make up 79 sail," instead of the 99 which has commonly been represented by historians as the combined strength of the Allied Fleet.‡ Speaking of the battle, Russell afterwards (23 May) writes: "The enemy's ships did not exceed 50 ships "of war, of which number 18 of them had three decks, and "but two so small as 56 guns. Though their number was "inferior to ours, yet I can positively affirm that the ships "of their Majesties which beat them did not exceed 40, for

* This letter, which is a powerful summing up of Russell's case against Nottingham, has been printed in the Commons' Journal, but among some other letters and papers brought in on 28 Nov. by the Admiralty (C. J., X. 717, 721–22), and not as part of Nottingham's Narrative.

† See Russell's Letters to the Admiralty of 24 July and 2 August. As to the state of things at St. Malo early in August, there is an interesting account, furnished by some prisoners retaken from the French.

‡ Ralph, like the List in Somers' Tracts, makes the English total 63, by omitting the *Tiger Prize*, a fourth-rate of the Blue Squadron, and credits the Dutch with 36 more. The Dutch line-of-battle, as given by Russell in a letter of 9 May, consisted nominally, it is true, of 36 ships (besides fireships), but only 16 of them are marked in Russell's List as being then with the Fleet, and 4 more of the 36 are marked as not being expected by Admiral Allemonde for at least three weeks.

" the weather being so thick and quite calm, the Dutch, who " led the van, could not come in to fight, and the Blue, who " were in the rear, could not come up, except in the night, " about 8 o'clock."

The want of seamen, notwithstanding the severity of the press-gangs, is repeatedly complained of. Four days before the battle, Russell writes: "Either a battle, sickness, or death, " some or all of which must be expected this summer, will " cause a great want of men, which I shall not be able to " supply." Out of the 64 ships of the line in the List of 15 May, which is dated from St. Helens, 55* show a net deficiency of 1,900 men then "actually on board," as compared with their aggregate complements of 25,590. The first-rates were the best off, some of them being overmanned, a proof of the popularity of the larger ships; and the third-rates were in the worst plight. As for the 24 fireships, Russell writes on 15 May, "there is hardly one that has three seamen,† and " whenever I chide an officer for not getting men, his answer " is, 'All the men I met with were protected.'" The only remedy the Admiralty could find for this want of seamen was to order Russell to equalize the crews; but, considering that the 10 ships with more men than their complements on board had only a superfluity of 513 between them for disposal, the remedy was a very partial one; while, as only 2 ships—the *St. Andrew* and *Ruby*—had their exact complements on board, what men beyond the 513 were wanted for "turning over" to other ships could only have been obtained by still further denuding ships already undermanned.

This "turning over" system was, moreover, intensely unpopular. "It will be very hard," Russell writes (15 May), "on " the officers who, either out of diligence or being well-esteemed " among the sea-faring men, have got their ships well manned, " to spare them to the negligent. . . It is not to be expressed, " the trouble I have about the men turned over at the " Nore. . . These are complaints that require more patience

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* With regard to the remaining 9, the column of "men on board" leaves blanks. If these blanks mean that the ships were unmanned, the deficiency, compared with complements, would be increased by 3,330.

† This probably refers to the quality, not to the quantity of the seamen, for the 24 fireships were short of their complements by only 92 men in all.

" than I am blest with, not having one minute free from them.
" . . . The fighting part is by much the least trouble that an
" Admiral of the English Fleet meets with." In a later letter (9 June) he adds that there was a general complaint among the commanders that the Vice-Admirals, Justices of the Peace, and other civil officers, so far from assisting, rather hindered, the officers employed in procuring men for their ships; and this, in his opinion, had been the chief cause that several ships, whose commanders had least interest among the seamen, were not so well manned as others. Of the quality of many of the men impressed he speaks in terms of contempt. Several of the ships have "numbers, but not the tenth man a seaman," and again, "unless the civil officers send in better men than those
" I have seen on board the *Cornwall*, 'twere better they did
" not put the King to the charge of procuring them, for they
" are fitter to breed distempers on board the ships than to do
" anything that may be serviceable."

The provision for the sick and wounded was miserably deficient. Only four days before the Battle, Russell had but one hospital-ship out of the four assigned to the Fleet, "and that
" one useless, having neither beds nor surgeon's chests." The townspeople of Portsmouth and Gosport who supplied with necessaries the sick sent ashore, complained, through a deputation headed by the Mayor, that they had to do so on credit, no money having been sent down to pay them. The Fleet was victualled nominally from 8 May to 27 August; but an Account, dated St. Helen's, 15 May, shows "great quantities to be wanting of each species," and on 9 May most of the pursers of the Fleet are missing. The deficiency of provisions was tardily supplied by the arrival of the victualling ships at Torbay (24 July); but, nothwithstanding this, the Fleet had to be put on short allowance on 9 August "to lengthen out the victuals" beyond the 27th, and it was only the arrival of more provisions at St. Helens on 17 Aug. that enabled whole allowance to be resumed on the 26th. The want of ready money, besides crippling the departments, was a matter which caused "grievous complaints" among the seamen, as regards the non-payment not only of bounty money, but also of ordinary wages. "If money," Russell writes (17 May), almost on the eve of the battle, "may be sent down to pay the

"ships which want it, as the rest have been, it will be a very "great quiet to the minds of the men. The hopes of it "brought many of their wives hither [to St. Helens], who are "all gone railing to London, without money to support their "families."

This general discontent produced its natural result, and Russell, on 23 Aug., describes the deserting as "infamous." The rumours of Jacobitism in the Fleet were, as is known, unfounded, and evoked an Address of Loyalty, signed by 64 commanders, whose names, strangely enough not printed in the Gazette, are now published for the first time and supply an acknowledged want. Carter's name appears among them—an additional proof of his loyalty, which he afterwards sealed with his death. From an interesting letter of Russell's, dated La Hogue, 23 May, and continuing the account of the battle given in his letter of the 20th to the Admiralty, a duplicate of which was sent to Nottingham and published in the Gazette, it appears, among other things, that Carter was killed "in a scuffle" during the pursuit of the French, and not, as stated by Macaulay,* at the beginning of the action. There is an interesting examination of Sir John Ashby with regard especially to his not pursuing the French through the Race of Alderney, the pilots refusing to take any first or second-rates that way in the fog. "The French," he says, "ventured to do that in the night which we did not "dare in the day."

The English losses in the battle, as regards officers, were few in number; but, besides Carter, they included Capt. Hastings of the *Sandwich*, who received a public funeral. "The King," Russell writes of him, "might better have spared a fourth-rate frigate, so much value I set upon him." † Among others whom the Admiral recommended specially for promotion, were the captains of the fireships which did such brilliant service in La Hogue Bay. But he owns a difficulty in making a selection, "for those who had an opportunity of

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* On the authority, apparently, of Clarke's Life of James II. (ii. 493) or Luttrell, 26 May 1692. Russell's statement confirms that in the London Gazette, No. 2768.

† His widow, Caroletta, daughter of Sir John Churchill, "a man very eminent and a great gainer in his profession," figures as appellant in an appeal as to the jointure of her father's widow, Dame Susannah Churchill (No. 687).

" doing their duty during the fight did do it, but without its " being attended with anything remarkable or extraordinary; " nor can I accuse those who could not come in to take their " share, because I am of opinion they did their utmost." The record is marred by only two cases of misconduct, one of these being on the part of a lieutenant, who was tried for running into the hold during the battle, and dismissed the service, after being carried round in a boat, with a halter round his neck, to each ship in the Fleet, where his crime was read.

With reference to the famous Land Tax Act of 1693, which marked an epoch in the history of taxation, the two provisos of the Lords, wrongly described by Burnet, and others after him, as an attempt of the Peers to "tax themselves," have long been familiar from the Commons' Journal, and show plainly, as first pointed out by Macaulay, that what the Lords proposed was, not to alter the amount of the taxation, which was fixed by the Bill at 4*s.* in the pound, but simply to appoint Commissioners of their own House to value their estates, and a Collector of their own choosing to receive the money. Strange to say, however, no historian has noticed* that these very provisos were taken by Godolphin *verbatim*, except as regards the names of some of the Commissioners,† from the Poll Act of 1689, when the Commons, who now resented them with such heat, had accepted them without a scruple, Bishop Burnet himself, who denounces them now as not to be defended, having then been one of the Commissioners appointed to execute them. The Lords, after negativing by 50 votes to 36 a motion, supported by Mulgrave, to refer the matter to the Committee for Privileges for the examination of precedents, waived their amendments on the ground that affairs were urgent, and that there was more in them than was intended (a somewhat singular admission, considering their past history), but insisted on their right to make them, for reasons given to the Commons at a second Conference, but not entered by the latter on their Journals. As to the first Conference, the story, gravely told by Ralph, of the

* Dalrymple, indeed (Memoirs, iii. 20), speaks of these provisos as an "innovation."

† The former Act named 36 Commissioners, of whom 12 reappear among the 26 named in these provisos.

Lords attempting to evade it by taking up the hearing of the Banbury Claim of Peerage, fades into a myth in the light of facts (No. **665**).

The necessities of Supply, which had occasioned the Land Tax Act, will be found to be largely explained by the Report of the Accounts Commissioners (No. **610**), whose duties, as already mentioned, had been revived by the Poll Act of the previous Session. This Report, which was laid on the table of both Houses on 28 Nov. 1692, forms the second of a series hitherto unpublished, the importance of which has been noticed in the last Calendar. Its contents * supply a significant comment on the public outcry against the squandering of the revenue and the inordinate gains of office-holders, which had filled the House of Commons with placemen, and given rise to the nickname of the "Officers' Parliament." Of the two abortive schemes of Parliamentary reform designed to remedy these distempers—namely, the Place Bill of the Tories and the Triennial Bill of the Whigs—the text of the former is preserved in the engrossment, as it came from the Commons, who passed it without a dissentient voice (No. **643**). After a preamble reciting the corruption of members in "former" Parliaments, the Bill simply enacted that no member (except the Speaker) chosen after 1 February 1692–3 should accept any office under the Crown, on pain of forfeiting his seat; thus leaving all existing placemen in possession, and making no attempt to distinguish, as regards the future, between the heads of departments, whom it was absurd to exclude, and their subordinates, whose presence was the real abuse.† In the Lords, where the Bill was closely contested, it was proposed in Committee to include pensioners, as was done afterwards in the Act of Settlement, and to allow the member incapacitated by the Bill to be re-elected —an expedient which had formed part of a Bill rejected in the Commons on 29 April 1675,‡ was revived in the

* Luttrell (1 Nov. 1692) speaks, apparently with satisfaction, of these Accounts bringing out a debt of only 2,000,000*l.* from the King to the Army, Navy and Transport services. No such debt is expressly disclosed in this Report.

† And yet, as Hatsell points out (ii. 61), this sweeping disqualification, to commence after the death of King William and Queen Anne, was inserted soon afterwards in the Act of Settlement (12–13 Will. III. c. 2. sect. 3), but was repealed, before it took effect, by 4 & 5 Anne c. 20. sect. 28.

‡ 2 Hatsell 66, *note*, and Grey's Debates, iii. 53.

Act of 4–5 Anne c. 20. sect. 30, and is now in force by sect. 25 of 6 Anne c. 41. These two amendments were negatived by majorities of only 9 and 4, and the three clauses of the Bill were then carried by majorities of 7, 1 and 3. The question whether the Bill should pass gave rise to a novel incident. It was at first carried by a majority of 2; but the House having afterwards allowed—though not without debate and the challenge of a division—the addition of the proxies entered that day, these, on the proxies being reported by the Speaker, reversed the previous vote, and caused the Bill to be rejected by a majority of the same number.*

With regard to the "Triennial" Bill introduced by E. Shewsbury on 12 Jan. 1692–3, under the vague title of An Act for the frequent meeting of Parliaments (No. **660**), its true history is now made known by the discovery, in particular, of the original draft. As introduced, it was not a Triennial Bill at all, but one, as described by Luttrell,† "for an annual Parliament," summoned by writs issued annually. Briefly stated, it provided (1) for the due observance of divers laws and statutes, for holding Parliament "at least once in every year,"‡ as enacted by the Triennial Act of 1640;§ (2) for the summoning every year of a *new* Parliament for a particular day, left blank; with a compulsory clause—suggested also (excepting the triennial period) by the Act of 1640—requiring the Lord Chancellor to issue the writs for that purpose, in default of direction from the Crown; and (3) for the dissolution, from and after that particular day,‖ of any Parliament then in being.

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* Macaulay, by misstating the proxies for the Bill 2 instead of 3, misstates also the ultimate result. As for the 7 proxies against it, "three," he adds, "were questioned, and were with difficulty admitted." He gives no authority, but his statement, as will be shown further on, is probably correct.

† Diary, 12 Jan. 1692–3.

‡ In Committee of the Whole House these statutes were specified as those of Edward III., but the words quoted above were left out.

§ The title of that Act, as brought into the Commons, was An Act for yearly holding of Parliaments (C. J., 24 Dec. 1640). It was reported from Committee and passed as An Act for the preventing of inconveniences happening by the long intermission of Parliaments.

‖ The word ("in,") occurring, as may be seen, three times in the middle of a blank in Clauses ii. and iii. of the original draft, makes nonsense in connection with the words ("from henceforth.") But on a close inspection of the draft, the word in question is found to be in a different hand, and was no doubt inserted on the wrong assumption that the blank, thus divided, was meant to be filled up, as is commonly the case, with a particular year as well as month.

The Committee of the Whole House, on coming, after making some amendments, to consider the day for the annual meeting of Parliament, agreed to report in favour of provisions enacting that Parliaments should sit every year, and a new Parliament every three years,* that there should be no compulsory clause, and that a time should be fixed for the determination of the present Parliament. The House being then resumed, after a division, by 32 votes to 26, these Heads were reported, and were afterwards embodied in a new draft of four clauses by Justice Rokeby. This draft was adopted by the House in Committee, with Bishop Burnet in the Chair,† after fixing 1 January 1693–4 as the date of the next dissolution; and nothing was left of the old Bill except the title, which was amended.‡

The Commons returned the Bill, thus recast, with two amendments, the first of which has passed unnoticed. As Section i. required a Parliament to be holden every year, it was an absurdity on Rokeby's part to give three years after dissolving one Parliament for summoning the next one. This absurdity was removed by changing the three years in Section ii. to one year. The second amendment was to postpone the date of the next dissolution till 25 March 1694, thus giving time to complete a new Session.§ The Lords accepted these amendments, and the Bill in this shape was tendered to the King, who refused his Assent to it on the last day of the Session. It was revived *totidem verbis*

* This is the first appearance of the Triennial period in this Bill. Rokeby had no specific instruction to prevent the intermission of Parliament for more than three years, this being sufficiently provided against by Sect. i. But, inasmuch as his second instruction involved the question of intermission as well as of continuance, and the machinery had to be provided for summoning a new Parliament after discontinuing the old one, he gave effect to it by means of two Clauses, the first of which (Sect. ii), dealing with intermission, was taken almost *verbatim* from the Triennial Act of 1664.

† It is strange that Burnet, in his account of the Bill (iv. 106), makes no reference to the original draft, which must have been before him as Chairman. His description, like those of Ralph and Macaulay, applies entirely to Rokeby's new draft, which is wrongly attributed to E. Shrewsbury, the author, as Luttrell states, of the original draft (12 Jan. 1692–3).

‡ The first amendment, relating to the frequent "calling" (as well as "meeting") of Parliaments, marks the real object of the Bill. The second, which was struck out on report, expresses the same idea in other words.

§ Burnet (iv. 107), whom Macaulay follows, is not strictly accurate, for a new Session might have been held, though probably not completed, if the Lords' date of 1 Jan. 1693–4 had stood.

in December 1693, when, after being amended in Committee of the Lords, it was rejected by the Commons. In the Act of 1694, which remained law until repealed by the Septennial Act of 1716, its text reappears with two important variations, namely, the omission of all reference to the statutes of Edward III., and the substitution of triennial for annual periods in Sections i. and ii., thus making no provision for annual Sessions,* and leaving the country possibly without a Parliament for nearly three years.

Comparing this Bill with the Acts of 1640 and 1664, it is interesting to note how the different sense in which each of them was "Triennial" reflects the prevailing political feeling of the times. The Act of Charles I. provided for the yearly holding of Parliament, and was triennial in so far as it compelled the assembling of Parliament, if not summoned for three years. That of the Restoration left the King's hands free as to annual Sessions, and was triennial in "beseeching" him to summon Parliament at least once in three years. The present Bill, while reverting to annual Sessions, is triennial only in limiting the duration of Parliament to three years, thus being directed against an abuse of power, not by the Crown, but by Parliament itself.

A clause in an Expiring Laws Continuance Act (No. **724**), which received the Royal Assent on the last day of the Session, gave a further lease of life to the famous Licensing Act, establishing the censorship of the Press, which dated back, with interruptions, to 1662, and was finally abolished in 1695. This Clause was opposed by the Booksellers, whose chief complaints were against the abuses of the Stationers' Company, as patentees and monopolists, but was carried in Committee with only one dissentient voice. The two provisos offered on third reading, the one forbidding peers' houses to be searched, without oath being first made—a proposal which the Commons had resisted in the Licensing Bill of 1661 †—and the other dispensing with a license, if the name of the author or printer were given—a suggestion due originally to Milton ‡—

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* These being probably thought, as Hallam suggests (ii. 202), to be sufficiently secured by the Mutiny Act and the Appropriation Clause in Bills of Supply.

† Commons' Journal, 29 July 1661; Hallam, Const. Hist. iii. 5.

‡ Macaulay, vi. 373, ed. 1864.

were rejected by majorities of 4 and 8. With reference to the anonymous pamphlet *King William and Queen Mary Conquerors*, which was burnt, like Burnet's *Pastoral Letter*, by the common hangman in Palace Yard, the Minute Book adds some further details to a literary episode first unveiled by Macaulay.* The papers relating to the enquiry into the alleged maladministration of Ireland by Lord Sydney, in the course of which enquiry a Clerk of the House was committed to prison for rudeness to an Irish witness, add nothing of importance to what is printed in the Journal (No. **718**). It ended, as is known, in an Address of Remonstrance to the King on 9 March 1692–3. Five days later Parliament was prorogued, William declaring that the state of affairs on the Continent required his presence abroad.

The papers dealing with subjects of special rather than of general interest range themselves conveniently into separate groups. With regard to ecclesiastical and religious matters, a Commons' Bill of 2 Jan. 1691–2, for the recovery of small tithes (No. **511**), supplies a further chapter in the history of a long standing subject of litigation and discontent, which, after a series of fruitless attempts to legislate, dating back to 1675, found a settlement by law in the Act of 1696. There are two proposals to relieve the Quakers, in respect of their scruples to take an oath. One of these is a Lords' Bill (No. **542**), grounded evidently on a previous one of 1690,† and rejected by the Commons, which enabled them, on certain conditions, to make affirmation, as witnesses, in the Courts of Chancery and Exchequer, but only in causes "other than criminal." This obnoxious exception originated as an amendment to this Bill, and was retained in the Act of 1696, where it was stigmatised in later days by Lord Mansfield as a "strong prejudice in the minds of the great men "who introduced that statute."‡ The other, allowing a "solemn promise" before administering a will, was offered, but not accepted, as an addition to the Act of 30 Car. II. c. 7.

* vi. 367. The pamphlet had been written by Blount, with the view of ruining Bohun and supplanting him as Licenser. Bohun, who licensed it, was brought before the Commons, and afterwards imprisoned. Com. Journ., 20 & 21 Jan. 1692–3.

† No. 328 in last Calendar.

‡ Cowp. 390.

for the Administration of Estates, on its renewal, together with other statutes then expiring, by a Continuance Act already mentioned. A Bill making parishioners of a church united to another contributors to the repair and ornaments of the latter (No. **713**), and one dividing the chapelries of North Chapell and Dungton from the Parish of Petworth, and erecting them into new parishes (No. **676**), both of which received the Royal Assent, complete the list of measures in this group.

Among other papers relating to trade and industry, a Commons' Bill of 16 Feb. 1691–2, for permitting English ships to be navigated with foreign seamen to and from the West Indies during the war, recites the crippling effects of the Navigation Act, in conjunction with the drain on English seamen for manning the Navy, on the trade with the English plantations in America* (No. **560**); and in this connection may be mentioned a Bill to encourage the building of good ships by granting a rebate of Customs dues in respect of 600 ton ships carrying 30 guns, and with three decks (No. **555**). Both these Bills dropped with the prorogation. Two further unsuccessful attempts to relieve the wool trade by transferring the collection of the alnage duties from the Farmers under the Duchess of Richmond to the Custom House,† in regard to which some instructive particulars will be found, appear in a Bill of January 1691–2 (Nos. **532** and **533**), and another of February 1692–3 (Nos. **686** and **692**), which differs mainly from the previous one in prescribing a higher scale of duties. With regard to the butter and cheese trade, particularly with Norfolk and Suffolk, the chief centres of dairy-farming, some interesting evidence is disclosed. The London trade, it appears, was engrossed by a "ring" of Thames Street cheesemongers, or "wholesalers"—some 22 in number out of 250 in the whole of London—who bought, through their local factors or agents, from the farmer in the country at his house, where the butter was weighed, often with very primitive appliances; and it was then shipped, after packing, from Woodbridge, or other places, by hoys to the Thames side.

* A similar, but general, Bill had passed the Lords in January 1690–1, but was lost in the Commons. *See* No. 376 in last Calendar.

† *See* also No. 369 in last Calendar.

The use of fraudulent weights, and the mixing of old butter with new, had been provided against by the Act of 1662, at the instance of the London traders, who since then, however, under colour, and, as was now alleged, in contravention, of that Act, had appointed "searchers" of their own, and practically monopolised the market by the threat of boycotting the local warehouse-keepers and hoy-men, if they shipped and carried any farmers' produce for other traders. A Lords' Bill of 17 Nov. 1692, which dealt only with the farmer's grievance as to searches, applied the doctrine of *caveat emptor* by discharging him from all penalties for wrong weight and bad packing, after actual sale, but imposed a fine, if he changed the commodity between sale and delivery at the water-side (Nos. **563** and **564**). This Bill, which the traders opposed, was laid aside in the Commons after a first reading; but a new and fuller one, retaining its provisions and supplementing them with others for securing free shipment and an open market, was brought in by Sir Samuel Barnardiston, and eventually became the Act of 1692 (Nos. **594** and **703**). A Commons' measure of protection for a minor branch of industry appears in the Act for prohibiting the importation of foreign hair-buttons (No. **717**), for which horse-hair was exported in large quantities to Holland, with the result of underselling the English maker, and which, being a recent invention, were not included in the Act of 1662. A Lords' Bill of 4 Feb. 1691–2, intended to facilitate the recovery of penalties imposed on butchers for selling live cattle, in contravention of an Act of Charles II., was rejected by the Commons without even a first reading (No. **545**). Another and a more important Bill, which originated in the Commons, conceals under the title of "An Act to "prevent the decay of trade in cities, corporations and market-towns" a measure against hawkers and pedlars, as interfering with "settled traders and shopkeepers," particularly the drapers, mercers, haberdashers, grocers, stationers and glass-sellers. They are forbidden, under heavy penalties, to carry about or sell the wares of those traders, except in open fair or market, or in a shop or warehouse; but provisos are inserted in favour of "real workers and makers," as well as tinkers, who carry about the materials for

their trade, and packers or traders retailing manufactures for sale to shopkeepers only, or at fairs. This Bill (No. **708**) was rejected by the Lords after a first reading, but several of its provisions will be found in the Act of 1696–7 (8–9 Will. III. c. 25.), which, with a view to making further provision for paying the interest of the Transport debt for the reducing of Ireland, gave a legal sanction to hawkers and pedlars, on condition of their paying for a license. In connection with the Act continuing the prohibition of trade with France (No. **730**), the evidence in Committee and the Lords' amendments throw some light on the clauses for encouraging privateering, which formed the staple of its contents. Some Bills for the development of local industries may also be referred to here. One (No. **646**) was to improve the navigation of the River Nene, for the benefit of the farmers, and another (Nos. **732** and **733**) that of the River Salwerpe and its affluents, for the advantage of the Droitwich salt works, the improvement, in each case, being entrusted to private undertakers. A third (No. **613**) was to repeal the Act of 30 Car. II., which restricted the size of nets in the Severn, below Gloucester Bridge. All these Bills were dropped after commitment. A Bill which restricted the quantity of gunpowder kept in private stores near the Tower and the Victualling Office, to allay the panic of tenants, who were leaving the neighbourhood for fear of explosions, did not get beyond a first reading (No. **547**).

The text of the important Bill for ascertaining the commissions and salaries of the Judges is now published in full, and explains why the King put his veto, on this occasion, to a reform to which he assented, a few years later, in the Act of Settlement. It was not, as assumed, that he desired to keep the judges in a state of dependence (his commissions to them were *quamdiu se bene gesserint*), but that their salaries, as first detected by Macaulay,* were charged on the hereditary revenue without the previous constitutional sanction of the Crown. A clause, proposed in the

* Hist. vi. 186, edit. 1864. The assumption was that of Burnet in the first instance (iv. 86), and was adopted by Hallam (Const. Hist. iii. 262, edit. 1832), who, unlike Macaulay, had not inspected the original parchment. As regards salaries, it appears from No. 610 that the 12 Judges got 8,641*l.* 17*s.* 10*d.* between them.

Lords, for enabling a party grieved by a corrupt judgment to bring an action against the Judge, without the interposition of a *Noli prosequi*, was lost by only a single vote (No. **565**). A significant, but hitherto unnoticed, attempt to prohibit the sale of judicial offices, under colour of the patronage vested in the judges by the Act of Edward VI., appears in a Lords' Bill of 18 Feb. 1692–3, for explaining the previous statutes on that subject. The Bill, which dropped with the Session, after commitment, and was not afterwards revived, is of a drastic nature, and contains a strange provision granting the forfeited judicial office to the successful prosecutor, if he desired it and was qualified, and, if not, three years' value of the office paid to him in money for his reward (No. **710**).

Of the two measures relating to the Court of Chancery, which had passed the Lords in 1691 but were lost in the Commons, namely, one relating to a general reform, and the other to rehearings and Bills of Review,* the latter reappears, with some variations as to procedure, in a Bill of 29 Nov. 1692, which was laid aside in the Lords after a first reading, leaving the jurisdiction of Chancery still untouched (No. **601**). Two abortive attempts to prevent frauds by clandestine mortgages —the first originating in the Commons (No. **557**), and the second in the Lords (No. **578**)—anticipate the provisions of the Act of 1692. A Lords' Bill of 22 Dec. 1692, which possibly had reference to a case of some importance decided earlier in the year,† proposed to forfeit to the Crown all superstitious trusts and uses, the same "being much continued and kept up "by secret gifts, grants and provisions." It dropped, however, after partial amendment, the Committee reporting in favour of referring it to the Judges, on account of the many difficulties, and the question was not afterwards revived (No. **641**). With regard to the Court of King's Bench, the substance of the Act of 1694 (5–6 W. & M. c. 11.), imposing conditions

* *See* last Calendar, Nos. 394 and 438. Parke, in his *History of the Court of Chancery*, pp. 255–6, has confused these two Bills, not knowing the contents of either, a common mistake with historians, who take their descriptions from the title alone. It may be noted that the abolition of the Chancery jurisdiction in Bills of Review was strongly urged by Chief Baron Atkyns (who sat Speaker both in 1691 and now) in his *Inquiry into the Jurisdiction of the Court of Chancery* (p. 48), which was published in 1695.

† *The King* v. *Lady Portington*, a case decided by Chief Justice Holt. 1 Salkeld 162.

on the grant of Writs of *Certiorari* to defendants at Quarter Sessions, with a view to prevent evasion of justice and delay, will be found contained in a Bill of 1692–3 (No. **695**), which dropped after an order for hearing Counsel on a Petition of the Clerks of the Crown Office (No. **706**). Of the two Acts of this period dealing, among other things, with the abuses of procedure on outlawries, the first (No. **701**) was aimed, also, primarily against the filing of malicious informations by the Master of the Court, in the exercise of powers which had been grossly abused before the Revolution, but which the Court of King's Bench had recently refused to declare illegal.* It passed into law unaltered (4 W. & M. c. 18.), the Commons rejecting a Clause, described by the Judges as a good one, which the Lords had transferred to it from another Bill of their own, then abandoned, but retained among the archives, for mitigating the vexatious process on writs of *Quo Minus* out of the Exchequer (No. **693**). The second, which purported to rectify the proceedings of the Crown Office in relation to Charters of Pardon as well as Outlawries (4 W. & M. c. 22.), contained, as first introduced, some Clauses which were struck out by the Lords, but which, with one exception, are decipherable on the excised portion of the Commons' engrossment of the Bill (No. **731**). In the case of persons pardoned for felony, the Act of 1694 (5–6 W. & M. c. 13.), dispensing with the six sureties required by a statute of Edward III.,† gave effect to a Lords' Bill of the previous year, which was rejected by the Commons after a first reading (No. **712**). A minor measure of reform, known to lawyers as the Docket Act, was opposed by Chief Justice Holt, for reasons which are recorded (No. **702**). Full particulars of a case of some legal importance as regards the amendment of judicial records,‡ and involving a charge of corruption against Jeffreys, as Lord Chancellor, will be found

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* 5 Mod. 459; Comb. 141; 1 Shower 106, quoted in Blackstone iv. 311.

† *See* the case of *The King* v. *Parsons*, heard before C. Justice Holt in Hilary Term, 1691. The defendant, Major Parsons, had been convicted and sentenced, after a trial in King's Bench, for the murder of one Capt. Wade, in Essex, about 14 years before, for which his confederate was hanged at the time. Parsons was remanded, however, on producing a reprieve from the Queen, and was bailed out in July 1691, his pardon having passed the Seals. Luttrell, 12 May, 17 & 23 June and 17 July 1691.

‡ *See* 1 Salkeld 52.

in No. **667**. It was a Bill brought by Thomas, Earl of Pembroke, the Lord Privy Seal, to have the benefit of his Writs of Error in King's Bench for the reversal of a fine and two recoveries, in respect of his brother's, the late Earl's, estates in Glamorganshire, which he claimed under a remainder in tail male. The preamble recites that Jeffreys, who had married his son John to the late Earl's daughter, took advantage of his "exorbitant power" to overawe a Judge of the Grand Sessions in Wales into amending the writs in question, and thus altering the returns, so that no error might appear on the record. The Bill was rejected by the Commons, though approved by Holt and Treby and all the other Judges, except one, who were consulted by the Lords before giving it a second reading. A Commons' Bill (No. **516**), constituting Commissioners of a Court of Requests in Westminster, for the recovery of debts under 40*s.*, forms another in a series of measures establishing Courts of Conscience for that purpose, which have been noticed in previous Reports. It was opposed by Viscount Villiers and ultimately dropped.

The jurisdiction of the House of Commons in regard to controverted elections, a long-standing subject of dispute with the Crown, was confirmed, as is well known, by the Act of 1695–6 (7–8 Will. III. c. 7.), which declared that any return of a member "contrary to the last determination in the "House of Commons" should be adjudged a false return. The text of this Act will be found almost *verbatim* in a Commons' Bill of 1692–3 (No. **722**), which contains, however, a Clause (not retained in the Act) providing that no such determination should be drawn into question in a Court of law.* The Bill was negatived by the Lords, without a division, on third reading, but not until they had affirmed the claim of the Commons; for, on report after recommitment, they rejected, by 25 votes to 17, the amendments to the contrary, and thereby restored the Bill to its original shape.

* The question, whether such determination must have actually been made by the Commons before an action for a false return could be brought against the Sheriff, was decided by the King's Bench *per* Holt in 1703 (*Prideaux* v. *Morris*, 2 Salkeld 503) in the affirmative, and by the Exchequer Chamber, *per* Willes, in 1745 in the negative (*Wynne* v. *Middleton*, 1 Wilson 125). The former was an action on the case and the latter on the Statute. The great case of *Ashby* v. *White* had reference to the question of jurisdiction in regard to the qualification of electors.

Three Bills, all sent up from the Commons, affect in various ways the revenues of the Crown. One of these reduced the fees payable on the grant of small leases in the Duchy of Cornwall, and only reached a first reading in the Lords (No. **562**). On its being sent up again the following Session (No. **700**), a Lords' amendment, though only restoring in part the existing scale of fees, was resisted by the Commons as laying a tax on the subject, and the Bill was lost. No. **690** gives the text of a Bill for removing "doubts and difficulties touching Royal Mines," which appear to have dated back to a leading case decided in the time of Elizabeth. The Bill confirmed against the Crown the rights of owners of mines of copper, tin, iron, or lead from which gold or silver may be extracted, but gave the Sovereign a right of pre-emption. The King refused his assent to this Bill, but granted it to a similar one passed in 1694 (5 & 6 W. & M. c. 6.). The third (No. **726**) was for the prohibition of all Lotteries, which had led to many quarrels, riots and murders, and was directed especially against the Royal Oak Lottery, "more grievous and mischievous than any of the rest." It was opposed by grantees of lotteries, who had paid large sums into the Exchequer in advance for them, and by indigent officers, widows and others, who had been granted annuities upon them by the Crown (No. **727**), and the third reading was negatived;* but its provisions were embodied in the Act of 1698 (10 Will. III. c. 23.), which, however, contained a saving for the Royal Oak Lottery for the remainder of its term.

A Bill restricting to the University of Oxford the provisions of an earlier measure affecting both Universities,† did not get beyond a first reading (No. **523**), and, when re-introduced in the following Session, was dropped in Committee, though the town and University were stated to have come to an agreement in favour of its passing (No. **616**). The alleged mismanagement of Birmingham Grammar School by the Governing Body was referred to in a debate on a Bill enlarging the area of selection for that Body and adding

* Tindal (Rapin, XIV. 78) uses the expression, "The patentees of the Royal Oak Lottery are said to have found means to have this Bill stopped in the House of Lords."

† No. 321 of last Calendar.

to the staff of masters (No. **540**); and a dispute among the Governors touching the election of a schoolmaster culminated in a petition of some of them to the House for an order to replace them in possession of the school, which was refused, as being without precedent (No. **625**).

With regard to four important cases of privilege, the Calendar contains some new matter of interest. One of these (No. **581**) was that of the Earls of Huntingdon, Marlborough and Scarsdale, who had been accused of complicity in the alleged Jacobite plot. On the 6th of May 1692 Huntingdon and Marlborough were committed to the Tower, on warrants identical in terms though differently signed, as being "charged "with High Treason in abetting and adhering to their Majesties' "enemies."* Scarsdale, for whose arrest a warrant was out on the 5th of May, escaped. A Proclamation was issued on the 9th for his discovery and apprehension with a number of others, but he surrendered himself to the Secretary of State on 1st June, and on the 7th was bailed by the Duke of Somerset and Lord Macclesfield.† As regards the other two lords, the usual application to be released on bail, under the 6th section of the Habeas Corpus Act, was made on the 15th of June, and Marlborough's was allowed.‡ In the case of Huntingdon and several others, however, their release was successfully opposed by an affidavit of Aaron Smith, the Treasury Solicitor, stating that there was "evidence" against them severally, "but that the witnesses against them or any of them could "not be produced this term." Huntingdon was accordingly remanded, but on 17th August following he and the Earl of Middleton, Lord Dunmore and Sir Andrew Forester, who had also been included in Smith's affidavit, were brought from the Tower and bailed before Holt, at Serjeants' Inn.§ On

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* Luttrell is wrong in his statement (7 May) that "the warrant for Lord Marlborough's commitment is for conspiring the death of the Queen, and endeavouring to seduce the officers and soldiers of their Majesties' guards." He was accused by Young of having signed the "Association" to assist King James with men and money on his landing, and to seize the Princess of Orange. (Ralph, II. 388–9.)

† Luttrell, May 5, 10, June 2, 7. Luttrell also states (2 June) that "8 or 9 of those in the late proclamation have signified by letter they will surrender themselves in case they shall have their liberty on bail, and not be confined to prison."

Lord Wolseley's *Life of Marlborough*, II. 284, on the authority of the Carte MSS.

§ Luttrell, 18 Aug.

7th November, the first available day after the meeting of the House, the three earls informed the House that they had been committed and were then under bail within the time of privilege of Parliament.* The consequent proceedings on this and following days, the entries of which in the Journals are extremely meagre, seem to have been conducted, as stated also by contemporary writers, with much heat.† A motion to appoint a day for the consideration of the matter, in the presence of the Judges, was met by one that the three Lords be discharged from their bail. The Judges were, however, sent for at once, and declared they could not, in justice, discharge the recognisances until the last day of the term. It was then proposed to order them to do so now. They were questioned as to whether the prisoners could have been bailed to appear in the House of Lords. They had already expressed the opinion that the recognisances could only be removed to the House by a Writ of Error, an opinion modified later in their statement that "by law this bail cannot be removed." Holt said that the Earl of Lincoln's case, which was cited, was a different one. It was between the Earl and himself, and a matter of discretion in him. Parliament was then sitting in law. "There "was a *certiorari* out of Chancery to me to certify it hither, "which I did." But he added that there is no discretion if an indictment has been found, and the Judges had no warrant in law to bail the prisoners to appear in the House even if Parliament had been actually sitting. The Committee for Privileges, to whom the matter had been referred, could come to no definite conclusion, and reported "that they found many difficulties in the case." The Lords next took up the question of the legality of Aaron Smith's affidavit, a question affecting in reality, not privilege of Peerage, but the liberty of the subject. Smith, after persistent pressing,‡ was at last forced

* Lord Wolseley states (*Life of Marlborough*, II. 284) that Marlborough had petitioned the Court of King's Bench in vain in October to have his recognisances discharged.

† "Warm debates." "The House of Lords were high." "Very warm debates were." (Luttrell, Nov. 8, 12.) "The Lords passed some votes, asserting their privileges; and were offended with the Judges for detaining some in prison, though there was no reason nor colour for their displeasure. But where the privilege or the dignity of peerage is in question, it is not easy to keep the House within bounds." (Burnet, IV. 102–3.)

‡ Ralph says (II. 390) he refused till threatened to be committed.

to confess that he could not say there were two witnesses upon oath for High Treason against Huntingdon. There was one upon oath, and other evidence. The Judges agreed that one witness only upon oath was insufficient ground for a remand, and that, if the other circumstances were not upon oath, they were not evidence; but that, though two witnesses upon oath were necessary for a conviction, the Act did not intend that, in order to justify a remand, they should be witnesses upon oath, but only persons capable of giving testimony. The affidavit conformed to the Act, and it was not the Judges' business to enquire into the King's evidence. It was their duty to remand. The House then passed a Resolution, which was based upon the opinions expressed by the Judges, and which is, in effect, a quasi-judicial interpretation of the Act. It requires that, in future, affidavits of this kind should state explicitly that there were two witnesses against each prisoner* in order to justify a remand. After a motion, which was not pressed, for an Address to the King to order the Earl's recognisances to be discharged, the King himself adopted that course, and so put an end to an incident which party historians have tortured, on the one side, into an undue assertion of privilege by the Lords, and, on the other, into an enunciation by the Judges of infamous legal doctrines worthy of a Jeffreys.

The three other cases of privilege above referred to each involved a charge of murder. The first is that of the Earl of Lincoln (No. **567**), whose servants, in his presence, had beaten in the streets of Kensington, in November 1691, a boy named Webb, for what offence does not appear, unless Luttrell is right in saying that it was merely for "gazing at" his Lordship.† The boy died in the following February, and a coroner's jury returned a verdict of murder against the Earl and his servants. The latter were tried and acquitted, the jury—as appears from

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* Luttrell (10 Nov.) is mistaken in suggesting that this Resolution related only to Peers, and his mistake has been repeated by later writers.

† Diary, 28 Feb. 1691–2. During the proceedings on the Duke of Norfolk's first Divorce Bill (No. 524), the Earl, who had spoken words of heat to the Earl of Rochester, and been reprimanded by the Speaker, was excused from kneeling on account of his "unwieldiness." Luttrell, in mentioning his burial in Westminster Abbey on 28 Nov. 1692, refers to his great bulk. According to the same writer, the persons tried and acquitted were the Earl's coachman and footman. The Indictment describes them as "labourers." Luttrell adds (1 March) that "two physicians who opened the boy, are of opinion that he died of an imposthume."

the Record brought up to the House—finding the boy to have died of "a consumption." The Earl appeared in the House (14 April 1692) in pursuance of his recognisance, entered into with sureties before Holt, and was admitted to a new recognisance of his own, in consequence of the acquittal of his servants, who were included in the same indictment.

Another well-known case was that of Lord Mohun (No. **658**), who was charged with complicity in the murder of Mountford the actor, by Capt. Hill,* on the night of the 9th of December 1692. After the murder, Mohun waited quietly on the spot till arrested, and was taken, next day, before the Justices at Hicks' Hall, who, after examining thirteen witnesses, admitted him to bail in 2,000*l.*, his sureties being the Lord Gerard of Brandon and Mr. Charles Montagu.† On the 12th, after the inquest, a fresh warrant was issued against him by the Lord Chief Justice, but, "to avoid a chargeable imprisonment, he withdrew himself."‡ On 11th Jan. 1692–3 his case came before the House on his Petition, in which he offered to surrender to the House, and prayed for a speedy trial at the Bar, and to be admitted meanwhile to bail. On the 13th the Committee for Privileges reported on this Petition that there was no precedent § for trying a Peer at the Bar, but only in Westminster Hall, and on the same day Mohun, "who was then walking in the "antechamber expecting an answer to his Petition," ‖ surrendered, and was sent to the Tower. The peers summoned to try him in Westminster Hall were limited to those "in town or within 20 miles thereof." Of the 116 thus summoned, 85 were accordingly present in the House on 31st January,¶ and

* Luttrell's account of the murder (Dec. 10) is inaccurate, as shown by the evidence at the trial, which is, on the whole, very fairly summarised by Macaulay (VI. 320–1). But the witnesses differed as to the tone of what passed between the watch and Mohun, and between the latter and Mountford, and also as to whether Mountford's dying statement, that he was stabbed before he could draw, was true. (State Trials, XII. 950.)

† See Mohun's Petition, and Luttrell, 13 Dec.

‡ See his Petition. Luttrell is wrong in saying (13 Dec.) that he was arrested under this warrant.

§ Luttrell says "but one precedent." (III. 13.)

‖ *Ib.* III. 11.

¶ Of the 31 who did not appear on 31st Jan., the Earls of Lincoln, Strafford and Berkeley were excused on account of sickness, but the Earl of Ailesbury was fined 100*l.* on 6 Feb. A motion to remit the fine was negatived on the 7th, but when he brought the money to the House on the 13th the fine was remitted, after two divisions. The consideration of what should be done to the rest was adjourned till after the trial, but never taken up.

these constituted the Court, though only 83 voted in the Judgment, the Earl of Sussex and Lord Sydney having been excused on the ground of sickness.* Almost the whole of the 31st of January was occupied in taking the evidence in Westminster Hall, the short notes of which, taken down by the Clerk, add nothing to the full report in the State Trials. On the Lords returning to their own House, the Bishops withdrew, and a motion was made to ensure the attendance of members of the Court, the terms of which suggest that the absence of certain lords had been noticed; and this motion gave rise to a debate which ended in a vote that the House shall not "now go on," 20 lords dissenting "because it may be of dangerous consequence in "cases of blood." The omission of this motion in the printed Journal seems to connect the adjournment of the trial with the withdrawal of the Bishops † instead of with the absence of some of the Court, who were, on the Court being called over, found to be Fauconberg, Newport, Lovelace and Leigh. A fine of 100*l.* was imposed upon them, which was afterwards remitted in their case; ‡ but the penalty was retained for future offenders, in substitution for an order requiring committal to the Tower. The greater part of the next two days of the trial was spent by the Lords in framing questions to be put to the Judges to ascertain the degree of guilt, if any, attaching to a person present at a murder, under different conditions of premeditation, sympathy with the murderer, and previous knowledge of his intention. In order to exclude from the purview of the Judges the matter of fact deducible from the evidence, the questions were all, with one exception, couched in abstract terms. The exception was a question, proposed

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* Macaulay (VI. 321) says that "as Parliament happened to be sitting, the culprit had the advantage of being judged by the whole body of the peerage." It was, no doubt, an unusually full House.

† Professor Thorold Rogers (Protests of the House of Lords, I. 108) appears to have been misled in this way by the Journal.

‡ Tindal (XIV. 71) says they were excused "on account of their being faint and quite spent with so long an attendance." The House met at 9 a.m., and Luttrell (Jan. 31) says the trial lasted till 6 at night, the High Steward having summed up the evidence about 3. On the other three days of the trial, Feb. 1, 3, and 4, the House met at 10 a.m., and adjourned on the 1st at about 8 p.m. (State Trials, XII. 1014), on the 3rd about 9 (Tindal, XIV. 72), and on the 4th they debated in the House till about 4 p.m. (5 o'clock, Tindal, *ib.*), before proceeding to Westminster Hall to vote and give judgment.

either by Willoughby d'Eresby or by Rochester,* "Whether "in the eye of the law, Lord Mohun was aiding and abetting "in the murder"; but it was not agreed to by the House, and never put. The Calendar gives, from the MS. Minute Book, the terms of other questions, proposed by the Lord Chamberlain (Dorset), the Lord President (Carmarthen), the Lord Steward (Devonshire), and Warrington, which, in like manner, were never put to the Judges, and shows the gradual elaboration of some of those upon which the Judges pronounced their opinions. After Mohun's acquittal on 4 February by 69 votes to 14, a result not altogether unlooked for,† he presented a Petition complaining of a threatened prosecution, by Mountford's pretended widow, of a "Writ of Appeal" against him for the murder; but this Petition was dismissed on the ground that no such Appeal had been brought.‡

The third case of Privilege connected with a charge of murder was that of Charles Knowles, who claimed to be Earl of Banbury. On 6 Dec. 1692 he had killed his brother-in-law, Capt. Philip Lawson, of the Guards, in a duel fought behind Southampton House, and was seized and committed to Newgate. At the Old Bailey Sessions, where he pleaded peerage, two Bills of murder were found against him, one as a peer and the other as Charles Knowles, but Holt respited his trial till the Lords had decided whether he was a peer or not.§ Thereupon he petitioned the House on 13 Dec. (No. **631**) for a trial by his peers and to be admitted to bail, on the ground that he was of right, by descent, the Earl of Banbury. On reading this Petition, the House ordered Counsel to be heard at the Bar on 9 Jan.‖ The Clerk's Notes of the hearing, entered in the MS. Minute Book, are printed

* The letters *E. r.* in the margin, if referring to an earl whose title began with *R.*, probably refer to Lord Rochester, the only other earls to whom they might refer being Rivers and Radnor, who took no prominent part in the trial.

† "Believed he will be acquitted." (Luttrell, 31 Jan.)

‡ Luttrell (4 Feb.) says Mrs. Mountford brought her appeal on 4 Feb., the very day of the acquittal.

§ Luttrell, Dec. 6, 10, 13.

‖ Luttrell, Dec. 24, is wrong in stating "the Committee of Lords have agreed that E. Banbury was a peer, and ought to have the benefit thereof." This probably, through some confusion of mind, refers to the report to that effect made by the Committee for Privileges on 19 July 1661 on the claim of his father Nicholas for a Writ of Summons.

in the Report of the Committee for Privileges on the Banbury Peerage, of 13 April 1808, but so inaccurately, that they are reprinted in this Calendar, with the addition of the proceedings on four days on which the Lords, after having, on 17 Jan. 1692–3, rejected Charles Knowles' claim of Peerage, were engaged in an inquiry into the circumstances under which his trial below had not been proceeded with, Rochester having complained that "the Judges had misbehaved themselves to this House" in the matter;* but the question was dropped, after several adjournments. An incident of this case was the appearance of the Solicitor-General at the Bar, instead of the Attorney-General, when it was moved that the latter should always be an Assistant to the House, and the Committee for Privileges were ordered to prepare an Address to that effect.

Some minor cases connected with claims of Privilege of Parliament may be briefly noticed. Privilege was allowed to L. Grey in stay of a suit by E. Rochester for part of an estate given him by James II. after Monmouth's rebellion (No. **535**), and to E. Mountague in respect of the *cause celèbre* in Chancery concerning the estate of the late Duke of Albemarle (No. **584**). It was refused to L. Howard of Effingham in respect of his wife, the executrix of a trustee (No. **554**), but allowed to L. Brooke, though an executor and trustee, on the ground that he had also a personal interest (No. **617**). L. Gerard of Bromley's claim of privilege against a suit for recovery of dower was rejected by a resolution, embodied in a general Order, on the ground that he had not taken the Oaths (No. **561**). The Standing Order that minor peers and widows of peers should not be allowed privilege of Parliament, saving their right of Peerage, was made after reading a Petition of Lady Mohun, complaining that her son, Charles, L. Mohun, had seized her jointure lands and the rest of her estate and threatened to insist on his privilege† (No. **715**). Dr. Thomas Wood, Bishop of Coventry and Lich-

* Luttrell, III., 24 Jan. 1692–3, says, "This day L. Banbury was brought to the King's Bench bar, and pleaded his peerage; on which the Judges committed him to the King's Bench prison, and will consider of his plea."

† According to Luttrell (II., Dec. 13) Lady Mohun had, only two months before, been attempting to intercede with the King to pardon her son for his alleged complicity in the murder of Mountford.

field, by insisting on his privilege, delayed till after his death the prosecution of the well-known lawsuit, in which the Duke of Southampton, son of Charles II. by the Duchess of Cleveland, claimed an estate of 4,000*l.* a year, the property of his late wife, daughter of Sir Henry Wood, although he had had no issue by her. The King had promised to settle 2,000*l.* on the Duke, but had never done so (No. **597**).* Dr. Thomas Watson, Bishop of St. David's, who had been excepted from the Act of Grace, was ordered to answer a Petition of inhabitants of his diocese, accusing him of oppressive and extortionate conduct. He was heard in the House, and declared that, as to the extortion, he would not insist on his privilege (No. **538**). Privilege was waived also by the Earl of Suffolk, who, as Henry Howard, had been committed to the Fleet for non-payment of money which had come into his hands as a trustee (No. **513**). The Surveyor-General of Woods begged pardon of the Duke of Bolton for having caused an Order to be served upon him relating to some timber in the New Forest, alleged to be ship timber, having been sold at an under value (No. **556**). L. Abergavenny complained that on 13 March 1692-3 a constable, accompanied by a number of other persons, broke into his house (an upholsterer's, the whole of which he hired except the shop) without a warrant, about 6 o'clock in the morning, and rushed riotously into his room when he was in bed, on pretence of searching for a highwayman.† The evidence given at the Bar put a slightly different complexion on the incident, and his Lordship's petition was rejected (No. **734**). A holograph Petition of Sir Robert Atkyns, the Speaker of the House, if indeed a case of Privilege of Parliament, may be noticed here. In this Petition, the spelling of which is curious, he claims, as Chief Baron, the right to sign the quarterly accounts of the Customs, and to receive the usual fee of 10*l.* for his signature, in preference to the four Barons of the Court of Exchequer, any one of whom the Comptroller-General claimed the liberty to attend for that purpose. Sir Robert, whose

* See also last Calendar, No. 287.

† An Act which received the Royal Assent the following day (4 W. & M. c. 8.) gave a reward of 40*l.*, payable by the Sheriff of the County, to any person apprehending a highwayman and prosecuting him to conviction.

claim was disallowed, was heard in support of his Petition, and Mr. Lytcott, the Comptroller-General, and Barons Turton, Powell and Letchmere against it (No. **627**). Sir Robert figures also in an Appeal, in which he offers to waive his privilege and go to a trial at Common Law. He had been charged by the Appellant, Thomas Tooke, whose guardian he was alleged to have been, of having misappropriated money during Tooke's minority. The Chief Baron had brought his Bill in the Exchequer, but had not sat as judge at the hearing; he sat uncovered among the Counsel, to whom he left his case to manage (No. **518**).

The privilege of Peers to grant Protections to their servants occasioned, as usual, a variety of complaints, by persons so protected, of having been arrested for debt. In the case of John Smith, hunting groom to the Duke of Northumberland, the parties who arrested him were attached, though the House was informed that Smith received no wages (No. **657**). John Beesley was ordered to attend the House on a charge of having distrained the cattle of some of E. Huntingdon's tenants. When remonstrated with, he replied, "My Lord is in the "Tower, and may have his head chopped off; and then where "must I have my money?" (No. **728**). The abuses still connected with this Privilege, notwithstanding the regulations made by the House, are illustrated by a complaint against Lord Morley, a prominent offender,* for granting Protections without having them entered in the Parliament Office, which resulted in his committal to the Tower. It appears that the town of Hornby, where he lived, was nicknamed "the Whitefriars," no sheriff's officer venturing to serve a writ there without his leave, "and the men the blackguards" (No. **514**). The failure of this regulation to suppress the practice of counterfeiting Protections is further shown in the case of John Slaughter, a plumber, of Rochester, who was ordered to be attached for counterfeiting E. Scarborough's Protection and having it entered in the Sheriff's Office (No. **618**). Extracts from the MS. Minute Book of the proceedings of the House on the 17th of November 1692 and subsequent days, when several Protections were vacated, will be found under this

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* See Calendar, 13th Report, No. 241, and Introduction, p. xvi.

number, and betray the entire ignorance and disregard of the Orders of the House on the part of individual lords granting Protections. The judgment of the House, granting costs against William Beaw, son of the Bishop of Llandaff, in an Appeal as to the validity of a grant of the Chancellorship of the Diocese jointly to two persons, was in danger of being frustrated by the bishop's Protection to his son as his Secretary (No. **522**).* In connection with the privileges of the House may be mentioned the attachment of a person for assaulting the messenger sent to serve an Order of the House upon him (No. **585**).

With regard to the King's servants, whose privileges, guarded by the Lord Chamberlain, still formed a matter of cognizance by the House, until their abolition in 1693, there are seven cases of Gentlemen of the Privy Chamber complaining of having been arrested for debt, and in six of these † privilege was allowed, the petition of the seventh, Richard Hargrave, being referred to the Committee for Privileges and not further proceeded with (No. **725**). Privilege was allowed also to Mark Smith, one of the King's Watermen in Ordinary, who had been arrested on a pretended bail bond, and was ordered to be discharged (No. **709**).

A considerable number of Estate Bills, mainly for the sale of lands for the payment of debts, were introduced during this period; but the great bulk of them became Acts with little or no alteration of any importance, and are thus of very little value as original records, the contents and schedules of rents annexed to some of them possessing interest only for the local historian. There are a few exceptions. The Bill for the sale of the Office of the Warden of the Fleet and thirteen adjoining houses and the custody of the Palaces at Westminster, the inheritance of which had descended to Thomas Bromhall, an infant under 7 years old, for payment of the debts of his uncle, the late Warden (No. **629**), shows

* The Book of Protections contains the entry of a Protection of the bishop for his Secretary, entered on 24 Nov. 1691, and vacated on 21 Nov. 1692, and a similar entry on 17 Nov. 1692, never vacated.

† Viz., Robert Fitz Gerald, William Killigrew, Thomas Waller, John Harrington, William Laycock and Sir John Ashfeild (Nos. 583, 587, 626, 648, 705, and 714). Killigrew, according to Luttrell (III., 18 April 1693), was a favourite of the King, who gave him the coat in which he was shot in the shoulder at the Boyne, and which was exposed to view in the Tower.

the numerous alterations made before it became an Act. It appears from the Papers that Richard Manlove, the Grantee of the Office, had forfeited it for extortion, and the King had granted it to Col. Baldwin Leighton, for his services; but a question had arisen whether, on forfeiture, it reverted to the Crown or to the person having the inheritance, and the Judges had decided in favour of the Reversioner, the assignee of Sir Jeremiah Whichcott, who was the original grantee. A Bill enables Thomas E. Sussex, by the sale of some of his property, to make provision for his wife and daughters, and to pay off a debt of 20,000*l.* "partly contracted by his "late father Francis, Lord Dacre, and partly occasioned by "the great expense he has been put to by his marriage" with Lady Anne, the 20,000*l.* promised him by Charles II. as her portion not having been paid, nor being likely to be paid* (No. **675**). This Bill also reached only a First Reading, and does not appear to have been brought in again.† A Bill for the payment of the debts of John L. Stawell, which amounted to over 72,000*l.*, exceeding the personal estate by nearly 27,000*l.*, shows the protracted discussions, in the Lords' Select Committee, in a matter which created much public interest at the time (No. **682**). The main dispute was whether the powers of sale should be extended to the whole real estate or not, and led to the abandonment of the Bill, William, the then L. Stawell, proposing to bring in another; and a Bill corresponding largely with this one was passed in 1694. A Bill, which became an Act, for an exchange of lands in Fulham between the Bishop of London and E. Monmouth (No. **699**) contains, among others, a clause to let Great Hurlingham Field for building, and one relating to Hellbrook Common, "as being for the advantage of the poor." A Petition of John Bush (No. **681** (*b*)) complains of having been kept out of his ancestral lands near Iford by Henry Baynton, who was then in possession, setting up his privilege as a Member of Parliament.

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* He married Lady Anne Palmer, alias Fitzroy, daughter of Lady Castlemaine by Charles II., who, says Brydges (Peerage, VI. 582), gave her 20,000*l.* on her marriage. He adds (*ib.* 581) that E. Sussex's embarrassments were caused by his extravagance, losses at play, and neglect of his affairs.

† Brydges, however, states that the Earl sold Hurstmonceaux and other lands in Sussex (*ib.* 581).

Of the other Private Bills, besides the Estates Bills, the most important were the two for D. Norfolk's divorce. The first (No. 24) was "opened" on 8 Jan. 1691–2 by E. Strafford, to whom the House had, the day before, given leave to "open the Bill,"* and the Duke himself was "heard as to the transaction of the business." The notes recorded in the MS. Minute Book are instructive as to the method of procedure. The arguments of Counsel on 12 Jan. suggest that the grounds of the protest of 19 Lords against the reception of the Bill were that it was unprecedented, as not being founded upon a previous trial, or an ecclesiastical sentence, as in the case of M. Northampton's Act. Some curious points in regard to the Divisions and the use of proxies on this Bill will be noticed later.† The Second Reading was finally nega-

* Clifford (Private Bill Legislation, I. 401) has been misled by the Index to the Lords' Journals, which connect with the Duke's divorce the proceedings on his petition of the previous month (last Calendar, No. 461) relating to the Office of Earl Marshal.

† An analysis of the entries in the Book of Proxies, taken in conjunction with the signatures to the Protest of 12 Jan., the names of the Tellers in the Divisions, and Bishop Burnet's comments on the proceedings on this Bill (*Own Time*, IV. 226–8), has revealed the names of almost all the Lords opposing the Bill, as well as those of some of its supporters, viz. :—

In favour.	E. Marlborough.
Abp. Canterbury.	E. Monmouth.
E. Lincoln.	E. Montagu.
E. Nottingham.	E. Mulgrave.
E. Radnor.	E. Rochester.
E. Scarborough.	E. Shrewsbury.
E. Stamford.	E. Sunderland.
E. Thanet.	E. Torrington.
V. Villiers.	V. Newport.
Bp. Norwich.	V. Sidney.
Bp. Worcester.	V. Weymouth.
L. Howard of Effingham.	Bp. London.
Against.	Bp. Rochester.
E Carmarthen (L. President).	Bp. St. Davids.
D. Somerset.	Bp. Winchester.
M. Halifax.	L. Carteret.
E. Ailesbury.	L. Chandos.
E. Bridgwater.	L. Cholmondeley.
E. Clare.	L. Eure.
E. Craven.	L. Godolphin.
E. Denbigh.	L. Granville.
E. Fauconberg.	L. Lucas.
E. Feversham.	L. Maynard.
E. Lindsey (L. Great Chamberlain).	L. Vaughan.

The E. Bedford and L. Fitzwalter, whose Proxies had been held by opponents of the Bill, are entered in the Book of Proxies as having vacated their Proxies by their presence on 17 Feb., the day of the final Division, although they are not entered

tived, but the objections taken to the Bill induced the Duke to bring an action of Trespass on the Case against Germaine in the King's Bench, in which the jury found for the Duke, with 100 marks damages, and were severely reprimanded by Chief Justice Holt for imposing so small and scandalous a fine. On 22 Dec. an almost identical Bill (No. **642**) was offered to the House, but, after the Record of the trial below had been read, and the House had been informed that the Duchess, though willing to waive her privilege, had not been made a party, the motion to read the Bill was negatived. The Draft of the Act incorporating the Proprietors of the Waterworks at St. Paul's Shadwell (No. **531**), and a Bill to restore to William Walcot his Patent for making sea water fresh (Nos. **723, 729**), complete the list of strictly Private Bills.

Besides the Appeals already mentioned, a few may be briefly noticed. No. **510** is an episode in the family history of the Northcotes of Hayne, the ancestors of the Earls of Iddesleigh. In No. **543** Lord Stawell is charged with having abused his position as a trustee, in defiance of an Order of Chancery obtained irregularly in 1688, "amidst the great "consternation, when L. Chancellor Jeffreys was hard to "be found." No. **579** relates to the disposition of the personal estate of William Earl of Meath. Penelope Mainstone, youngest daughter of Chief Justice Sir William Jones, and widow of an East India merchant, who had left her the residue of his property, is Respondent in an Appeal (No. **696**) brought by her late husband's nephew, the son of a servant maid who afterwards married a country tailor, for his uncle's property. No. **720** terminates a lawsuit, as to the performance of a marriage settlement, between Charles Lord Baltimore, and his sister's husband, Sir William Blakiston, Bart., who had, by a Chancery Decree, obtained possession of his Lordship's manor of Danby Wiske during the latter's absence as Governor of Maryland. Cecil, Lord Baltimore, father of Charles, is stated to have saved Sir William when he had fallen "into some

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either in the MS. Minutes or in the printed Journal as present on that day. If they voted in the final Division, they bring up the number of opponents ascertained to 37, of whom 35 were among the 40 recorded as voting against the Second Reading. Bishop Burnet speaks of them as "all that favoured the Jacobites and those who "were thought engaged in lewd practices," but is contradicted by Lord Dartmouth in his footnote to this passage (*ib.* 228).

misfortune, whereby his life was in danger." No. **704** represents a quarrel over the personal estate left by Dr. Thomas Yate, late Principal of Brazenose College, Oxford. No. **650** gives some interesting particulars as to a ship sent to Algiers to ransom 48 English captives with money collected by charity, and paid for that purpose by the King and the Bishop of London. The money was embezzled by an English merchant at Algiers, and the ship would have been seized by the "bassaw," and its master enslaved, but for the forcible intervention of Lord Berkeley, who, with Sir Cloudesley Shovell, arrived with an English squadron under the command of the Duke of Grafton. In No. **669** the Appellants, West India planters, complain of extortion on the part of the African Company before granting them licence to trade with Africa for slaves; and No. **679** relates to the alleged concealment of prizes and prize goods by the East India Company, in order to defraud the Lord High Admiral of his tenths and the seamen's sixths promised by the Company in return for the help given them by the King's ships in their war with the Great Mogul. Nos. **606** and **636** relate to the ownership of a part of the royal forest of Duffield, called the Milkey, which Charles II. had granted to Thomas Eyre, stated to have been Counsel for one of the Commoners, as a reward for his reporting the damage done by the Commoners to the Crown property. In No. **698** the question turned on some old mills on the river of Merton Abbey having been deprived of water by the erection of a new mill. In No. **707** Sir Thomas Fitch, Bart., and John Fitch, the Appellant and Respondent, were partners in the work of building fortifications at Chatham, Portsmouth, and elsewhere, in which the latter was well skilled and was the active partner, the former being alleged to have taken fraudulent advantage of the money passing through his hands. No. **670** discloses a money bargain for the appointment of a Sworn Clerk in the Six Clerks' Office. No. **580** was occasioned by the competing claims of Shrewsbury Grammar School and Clive Chapel on the rectory of Cherbury, by a grant from Queen Elizabeth; and Nos. **716** and **590** were brought respectively in connection with Bennet's Charity, under which the tithes of Bourton were to be paid to the poor of Buckingham, Beachampton, Calverton and Stony Stratford, and

Norton's (Bellamy's) Charity to the poor of Oundle and some other towns, the question in the latter being whether a purchaser of lands charged with the Charity, without notice of the charge, could be held liable to contribute.

With regard to the particulars of Divisions recorded in the MS. Minute Book, it should be observed, in the first place, that although the number of the Lords voting "Content" is always placed first, the order in which the names of the Tellers are entered affords no clue to the side on which they voted. The rule apparently followed by the Clerk was to enter them according to their precedence, invariably so when differing in rank, and with only a few exceptions when of the same rank, in which case the Clerk might often be uncertain as to their precedence without consulting Garter's Roll.

The unrestricted use of Proxies in Divisions appears at this period to have attracted the attention of the House. In the proceedings on D. Norfolk's first Divorce Bill (No. **524**), which aroused a great deal of religious party feeling as well as personal partizanship,* in the first seven of the nine Divisions Proxies were used, which turned the scale against the Bill in five cases, in three only by an equality of votes, in accordance with the old rule, "semper præsumitur pro negante."† At length, on 16 Feb. 1691–2, it was moved to consider whether Proxies should "be used in the proceedings on this "Bill of the Duke of Norfolk," upon which the previous question was put and carried by only three votes, the majority using 9 Proxies against 17 counted by the minority. The main question was then voted upon without Proxies, and was carried against the further use of Proxies by 13 votes. The defeated party protested against this decision on three grounds, first, that voting by proxy was an inherent right of the Peers; secondly, that the persons interested had not heen heard; and thirdly, that it was unreasonable to use Proxies in a vote directed against the use of Proxies, thus making, in effect, the Lords

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* Burnet's *Own Time*, IV. 228.

† One of these Divisions was upon a proposal that the Speaker put off his hat when the Duchess comes in (to go to the chair set for her at the Table), and then sit down and speak to her with his hat on. After debate, this was agreed to, a proposal that he should stand with his hat off when speaking to her being negatived; and the same rule was ordered to be observed when he addressed any Lord or other person.

concerned to vote against themselves. The right asserted in the first of these objections has never been abolished, and it was not until 1868 that the practice of calling for proxies on a division was formally forbidden by a Standing Order which expressly contemplates its own possible suspension. The principle involved in this vote, which excluded Proxies from the decisive Division on the Bill, had already been embodied, in 1689, in a Standing Order allowing them to be used in preliminaries to private causes, but not in giving judgment;* but it was only in 1697 that, by Standing Order CIX., their use was prohibited in all judicial causes, "although the proceedings be by way of Bill." In the following Session Proxies were used in preliminary Divisions on the Banbury Peerage Claim, one being on the Previous Question to the main question as to the Petitioner's right (No. **631**); and they were also used in the Division rejecting D. Norfolk's second Divorce Bill (No. **642**).

The germ of a further restriction of the use of Proxies is contained in the proceedings on the Place Bill (No. **643**). Macaulay, in his account of the debates on this Bill, mentions that three out of the seven Proxies recorded against the passing of the Bill "were questioned, and were with difficulty admitted."† The Proxy Book shows that the three Proxies entered on the 3rd Jan. 1692–3, the day of the Division, were those of Huntingdon, Hatton and Essex, held by Scarsdale, Nottingham and Portland respectively, the first and last having been given only on that day. The House ultimately allowed these Proxies, without dividing, though it would appear that a Division was challenged but not persisted in; and it was not until four years afterwards, on 20 March 1696–7, that an Order was made "that no Proxy entered in the "Book after Prayers shall be made use of the same day," which was added to the Standing Orders on 16 Jan. 1702–3.

E. Fairfax Taylor.
Felix Skene.

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* Proxies were used in the Appeal of Englefield (No. 628), in the following Session, in deciding the question whether the Report should be then made, preparatory to giving judgment, thus adhering to the letter but disregarding the spirit of this Standing Order.

† Hist. England, VI. 354. His statement that there were only two Proxies for the Bill is wrong. The MS. Minute Book shows there were three. The Bill was lost by 2 votes, not, as he says, by 3.

ABBREVIATIONS USED IN THE FOLLOWING CALENDAR.

MS. Min.—MS. Books containing Minutes of the proceedings in the House, and intituled "Journal."

Com. Book.—MS. Books containing Minutes of the proceedings of Select Committees.

Priv. Book.—MS. Books containing Minutes of the proceedings of the Committee for Privileges.

HISTORICAL MANUSCRIPTS COMMISSION.

THE MANUSCRIPTS OF THE HOUSE OF LORDS.

1691–2.

510. Jan. 2. Northcote *v.* Northcote. — Amended Petition and Appeal of William Northcote, Esq., and Alice his wife, executrix of John Northcote, deceased. Sir John Northcote, of Hayin, co. Devon, in 24 Car. I. devised his estate, worth 30,000*l.*, to trustees for a term of 99 years, commencing at his death, for raising 4,000*l.* for the benefit of his younger children, as directed by his will, and settled the inheritance on his eldest son Arthur, with remainders in tail male. He paid debts, contracted by Arthur, amounting to 3,000*l.*, in addition to which he paid for him 600*l.* to Thomas Panton, Esq., and paid and secured 500*l.* to Henry Travers upon several judgments, whereof he procured assignments, to reimburse the same out of Arthur's estate, and stood bound for him for 200*l.* each, to the late D. Albemarle and Henry Northleigh, Esq., and promised to countersecure his sureties for 200*l.* each to Lady Clifford and Dr. Bidgood, and caused countersecurity for the said debts to be taken from him. In June 1675 he made his will, in which, on condition that Arthur should discharge his executors, namely, the Petitioner William and John Northcote, deceased, of the sums due to D. Albemarle and Northleigh, and of 200*l.* due to John, the testator's son, for which he stood bound, and also of Travers' judgment, whereof 100*l.* had been paid, he forgave Arthur all the other sums, except 100*l.*, which he bequeathed to Arthur's daughter Elizabeth. Sir John died on 24 June 1676, and his executors paid the debts to Lady Clifford and Dr. Bidgood, and what was due on Travers' judgments. Sir Arthur reimbursed them these sums and entered on the estate, and took all the profits thereof, without regard to the trust for 4,000*l.*, and never paid the debt to Northleigh nor the other debts mentioned in the will. An ejectment being brought under the title of the trustees, Sir Arthur brought a Bill in Chancery against the Petitioner William, as the surviving executor, and the legatees and trustees for relief touching the 4,000*l.*, and the sums paid by Sir John or out of the estate and referred to in his will, and particularly the debts to Lady Clifford and Bidgood and the judgments obtained by Panton and Travers, on pretence that Sir John had forgiven him all the debts except 160*l.* still due to Travers. Petitioner answered that Sir John had not released him from any of the debts otherwise than as mentioned in the will, and that Panton's judgment was never intended to be released, as the assignment contained an express covenant that satisfaction should not be acknowledged thereon, and an action of covenant brought for the breach thereof, and that the same and the money due on Travers' judgment were expressly intended not to be forgiven. The L. Keeper Guilford on 11 June, 35 Car. II., decreed to Sir Arthur the benefit of the will, though he had not performed the conditions, and ordered the executors to reimburse him; but before an account was taken, Sir Arthur died heavily in debt. His son Sir Francis brought a Bill in 1689 for relief against the ejectment at law, and to have the benefit of the account decreed to be made by his father, and of the money decreed to be reimbursed towards discharge of the

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4,000*l.*, and in colour made Lady Elizabeth, Sir Arthur's widow and executrix, a Defendant, who has since obtained a report *ex parte* against Petitioner for 2,727*l.*, including moneys received by Lady Elizabeth of one George Joy upon the sale of Beauford, and paid to one Edward Roe upon the sale of the manor of Pyworthy. Appeal from the said Decree and proceedings thereon, and pray that Sir Francis and Lady Elizabeth may be ordered to answer, and all further proceedings stayed. *Signed* by Appellants; *Countersigned* by Jo. Hawes and John Rowe. L. J., XV. 31. [The Appeal was heard and dismissed on 16 Feb. 1691–2, the *Solicitor-General* and *Mr. Rowe* appearing for Appellants, and *Mr. Trevor* and *Mr. Finch* for Respondents. *See also* under date 10 Dec. 1702 and *Colles'* Cases in Parliament, p. 287.]

Annexed:—

(*a.*) 16 Jan. 1691–2. Answer of Sir Francis Northcote, Bart. Respondent believes there were three decrees made in the cause, but he was not a party to either of them. Sir Arthur and the Appellants and trustees have received more than the 4,000*l.* with interest out of the trust estate. The Appellants alone have received 3,000*l.*, and have a decree against Sir Arthur for an account of his receipts. Appellants, with the privity of the trustees, brought their action of ejectment against Respondent, simply to oppress him. He has brought his Bill against Appellants and others to stop proceedings on the ejectment, and hopes therefore that the Appeal will be dismissed against him, as not having been a party to the former decrees, but claiming under settlements made long before them. Appellants have appealed against the first decree and not against the subsequent ones, and also against a report and decree thereon to which Respondent was not a party. *Signed* by Respondent. *Endorsed* as brought in this day.

(*b.*) 16 Jan. 1691–2. Answer of Dame Elizabeth Northcote. Sir John's executors, under colour of some counterseeurities given to Sir John and some assignments of judgments, unjustly compelled Sir Arthur to pay 1,600*l.* and upwards for debts from which Sir John had discharged him. As to the trust estate charged with raising the 4,000*l.*, the executors received part of the profits, and Sir Arthur the rest, and afterwards, the executor John Northcote being about to marry the Appellant Alice, and not being able to make any jointure, as no part of the estate had been allotted for Sir Arthur's support until the 4,000*l.* was raised, it was agreed by all parties, by articles of 30 Sept. 1677, that part of the trust estate should be exempted from the 4,000*l.* during Sir Arthur's life, the profits to go to the maintenance of Sir Arthur and his family, and another part, similarly exempted, to the maintenance of John Northcote. John afterwards died, and Appellants intermarrying endeavoured to set aside the articles, and evict Sir Arthur from the estate, whereupon the latter brought a Bill against them and the legatees and trustees to be repaid the 1,600*l.* with interest. A decree thereon was made on 11 June, 35 Car. II., another on a rehearing on 8 Nov., 36 Car. II., and a third, on a further rehearing by L. Chancellor Jeffreys, on 3 June, 3 Jac. II., when Sir Arthur was ordered to pay to Mr. Northleigh a certain debt, not previously insisted on, and the former decrees were in all other respects confirmed. Respondent, after Sir Arthur's death, revived the decrees as his executrix, and on 31 March 1691 got the Master's report showing 2,727*l.* due to her from Appel-

lants, which report was finally confirmed by an Order in Chancery on 22 July following. Prays that the Appeal, which is only from the first decree, may be dismissed with costs. *Signed* by Respondent. *Endorsed* as brought in this day.

(*c.*) 19 Jan. 1691–2. Petition of Appellant for an early day for hearing. L. J., XV. 38.

(*d.*) 23 Jan. 1691–2. Petition of Appellant for leave to amend a clerical error in his Appeal. L. J., XV. 45.

511. Jan. 2. Small Tithes Recovery Bill.—Commons' Engrossment of an Act for the more speedy and easy recovery of Small Tithes.

The Bill, as brought from the Commons, consists of 15 clauses. It omits Sect. xiv. of the Act of 1696 (7–8 Will. III. c. 6.) and adds two clauses, Nos. 5 and 14, which are not in that Act, viz. :—

Clause 5. Provided also and be it enacted, that no person shall have any other suit or remedy for the recovery of any small tithes, offerings, oblations, obventions or compositions than is given or provided by this Act, unless the title be concerned, or the value of the tithes demanded of any one person in any one year shall exceed the value of forty shillings.

Clause 14. Provided also that this Act, nor anything herein-contained, shall extend to any Peer* of this realm, but such proceedings may be had against him or her as might have been before the making of this Act, anything herein-contained to the contrary hereof in any wise notwithstanding.

Clauses 3 and 13 are the same *verbatim* as Sections iv. and xiii. of the Act, and the remaining 11 clauses agree with the rest of the Act, except in the following passages, where the Act omits the words in square brackets and adds those in italics, viz. :—

Clause 1 (Sects. i. and ii.).

. . . detained, *where the same do not amount to above the yearly value of forty shillings from any one person,*† Be it enacted by the [King and Queen's] *King's* most excellent [Majesties'] *Majesty*† . . .

. . . that all *and every person*† and persons . . .

. . . by the space of [six] *twenty* days at [the least] *most*† after demand . . .

. . . to make *his or*† their complaint in writing unto two or more of [their Majesties'] *his Majesty's*† Justices of the Peace within that county, *riding,* city, town-corporate . . .

. . . [whereof] neither of [them] *which Justices of Peace*† is to be patron . . .

. . . obventions or compositions [as]† aforesaid, [who]. *And be it further enacted by the authority aforesaid, that if hereafter any suit or complaint shall be brought to two or more Justices of the Peace as aforesaid, concerning small tithes, offerings, oblations, obventions or compositions as aforesaid, the said Justices*† are hereby authorized and required . . .

. . . as upon the merits of the [case]† *cause* shall appear just.

Clause 2 (Sect. iiii).

. . . detaining them by the space of [six] *three* days . . .

. . . shall and may make *public*† sale of the same . . .

Clause 4 (Sect. v.).

. . . that this Act, [nor] *or* anything herein-contained, shall *not*† extend . . .

Clause 6 (Sect. vi.).

. . . unless the complaint shall be made within the space of [one year] *two years* . . .

Clause 7 (Sect. vii.).

. . . county, *riding,*† city, town-corporate or division . . .

. . . [and] *or*† the major part of them shall find cause . . .

. . . writ out of [their Majesties']† *his Majesty's* courts . . .

* The words ("*or Peeress*") were here added by the Lords, and agreed to by the Commons (C. J., X. 658). The amendment is a purely verbal one, in view of the words ("or her") which occur later on.

† These variations from the Act reappear in the Bill of 1693–4.

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Clause 8 (Sect. viii.).

. . . substracting or [holding away] *withholding* any small tithes or other [dues] *duties** aforesaid

. . . he *or she* is or ought to be freed . . .

. . . dues in question, *and deliver the same in writing to the said Justices of the Peace, subscribed by him or her,* and shall then give

. . . in any of [their Majesties']* *his Majesty's* courts . . .

. . . against him, *her* or them . . .

. . . in the matter [so complained of], *and that then and in such case the person or persons so complaining shall and may be at liberty to prosecute such person or persons for their said substraction in any other Court or Courts whatsoever, where he, she or they might have sued before the making of this Act,* anything in this Act to the contrary notwithstanding.

Clause 9 (Sect. ix.).

. . . enacted by the [authory] *authority*† aforesaid . . .

. . . General Quarter [Sessions]* *Session* . . .

. . . and that he shall not [have] *ask or receive** for the enrolment of any one judgment [more than] *any fee or reward exceeding** one shilling . . .

. . . and satisfaction *made* by paying the *same* sum so adjudged . . .

Clause 10 (Sect. x.).

. . . [in case] *if** he, she or they had not removed . . .

Clause 11 (Sect. xi.).

. . . which [incurred] *became** or were due . . .

. . . first day of [January] *October,* which shall be in the year of our Lord one thousand, six hundred, ninety [two] *six.*

Clause 12 (Sect. xii.).

. . . false and [malicious] *vexatious* . . .

Clause 15 (Sect. xv.).

. . . for [seven] *the space of three* years . . .

Parchment Collection.—[The Bill was brought from the Commons this day (L. J., XV. 14), and referred on 14 Jan. to a Select Committee (*Ib.* 29). The Committee met, with the Bishop of London in the Chair, on Jan. 16, but only to adjourn, and again on the 18th, when, after reading the Bill, they agreed to postpone the clause relating to limitation of complaints (sect. vi. of Act), and adjourned till the 19th to hear the Archbishop of York. On the 19th, L. Cornwallis in the Chair, the Bill was amended by adding the Provisos X., A., and B., by inserting the words ("*or Ecclesiastical Judge*") after ("Justices of the Peace") in the places corresponding with Sect. vi., line 2; Sect. viii., lines 2, 6, 9; Sect. x., line 4; Sect. xi., line 3; and Sect. xii., line 1 of the Act (Fol. Ed.), and by making the two verbal alterations in Clause 9 (Sect. ix.) and Clause 14.‡ The Commons agreed to the two verbal alterations, disagreed to Proviso X., and agreed to Provisos A. and B., with amendments (C. J., X. 658). A Conference was had and reported on 22 Feb., and the Report ordered to be read the next day. (L.J., XV. 88.) No further proceedings, however, are recorded, and the Bill dropped with the Session; the House adjourning on 24 Feb. till 12 April, when the Prorogation supervened. (*Ib.* 94, 95.)]

Annexed:—

(*a.*) 22 Jan. 1691-2. Engrossed Proviso, marked X., as follows:—Provided also and be it enacted that no person who shall make his complaint to any Justices of the Peace for any tithes, offerings, oblations and obventions by virtue of this Act, shall and may,

* These variations from the Act reappear in the Bill of 1693-4.

† Corrected by the Lords, and amendment agreed to by the Commons on 9 Feb. C. J., X. 658.

‡ *See* Com. Book and Annexes (*a*) (*b*) (*c*) and (*d*) below.

after such complaint made and any proceeding thereupon for the same matter or thing, have any further or other remedy in their Majesties' Courts Ecclesiastical within this Kingdom; and if at any time hereafter any such suit for such tithes, offerings, oblations or obventions shall be commenced in any Ecclesiastical Court, the proceedings in such suit shall be summarily and *vivâ voce*, without delay or vexation, and shall be heard and determined in one or two Court days at most; And that no person shall hereafter be excommunicated for not obeying the summons or sentence of the Ecclesiastical Court for such suit for Small Tithes. But if any person shall be cited before the Ordinary for not paying his tithes, oblations, offerings or other Ecclesiastical dues, and, upon return made of such citation, shall not appear at the time appointed, and shall wilfully abstain from appearing for one Court day after the said return, or, appearing, shall not make answer to the Petition or Libel of the Complainant, that then the Ordinary shall examine upon oath *ex parte* what Small Tithes or composition for the same, and what offerings, oblations and other ecclesiastical dues were justly due from the person or persons so summoned at the time of the said summons, and proceed to give sentence as if the said person had appeared and answered; and upon the disobedience of such person to the said sentence, the Ecclesiastical Judge shall certify the same unto two Justices of the Peace of the County where the cause of such suits or complaints shall arise, who shall have full power and authority by virtue of this Act, and are hereby required upon receipt of such certificate, to send their warrant or warrants under their hands and seals, directed to the Constable, Churchwardens, or Tythingmen of any such parish, township or village where the person or persons, whose disobedience to any such sentence shall be so certified, then hath or shall have any goods or chattels, thereby requiring them to levy all and every such sum and sums of money which shall be mentioned and expressed in such certificate by distress and sale of the said goods and chattels or any part thereof, restoring unto such person or persons the overplus of such goods or chattels over and above the said sum or sums of money, and the reasonable charges of making such distress, which he or they are to deduct out of the money raised by sale of such goods and chattels; which said constables, churchwardens and tythingmen are hereby authorised and required to levy the said money accordingly, and to pay the money so levied to such person or persons, his or their assigns, who first commenced the said suit in the Ecclesiastical Court; And in case the Ecclesiastical Judge shall proceed otherwise, then the suit is and shall be dismissed from the Ecclesiastical Court with costs. [Added in Committee after original Clause 5 on 19 Jan. (Com. Book), and reported and ordered to be engrossed this day. (L. J., XV. 44.) Disagreed to by the Commons on 9 Feb. by 84 to 56. (C. J., X. 658.)]

(*b.*) 22 Jan. Engrossed Proviso, marked A., as follows:—Provided that in case the said Justices of the Peace or Ecclesiastical Judge shall refuse to receive such reasonable security, the party or parties so aggrieved may in such case apply him, her or themselves to the Justices of the Peace at the General Quarter Sessions, who are hereby empowered to take such reasonable and sufficient security. [Added in Committee after original Clause 8 on 19 Jan. (Com. Book), and reported and ordered to be engrossed this day.

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(L. J., XV. 44.) Agreed to by the Commons on 9 Feb. with the omission of the words (" or Ecclesiastical Judge "). C. J., X. 658.]

(*c.*) 22 Jan. Engrossed Proviso, marked B., as follows:—Provided also, and be it enacted by this Act, that the recovery of small tithes shall and may be extended to all causes relating to the recovery of wages and dues belonging to parish clerks and sextons within the Kingdom of England, dominion of Wales, and town of Berwick-upon-Tweed, any law, custom or usage to the contrary notwithstanding. [Added in Committee after original Clause 14 on 19 Jan. (Com. Book), and reported and ordered to be engrossed this day. (L. J., XV. 44.) Agreed to by the Commons on 9 Feb. with the addition of the words (" Churchwardens' rates and ") after (" relating to the recovery of "). C. J., X. 658.]

(*d.*) 22 Jan. Lords' Amendments to the Bill. [Made in Committee 19 Jan. (Com. Book), and reported this day. (L. J., XV. 44.) *Noted* in margin are the Resolutions of the Commons agreeing or disagreeing to them (*Comp.* C. J., X. 658).]

(*e.*) Commons' Resolutions agreeing to certain of the Lords' Amendments, disagreeing to others, and agreeing to others with amendments. (C. J., X. 658.)

(*f.*) Commons' Reasons for disagreeing to Clause X. (C. J., X. 681.) *In extenso.*

(*g*) Abridged copy of the Bill, with notes and proposed amendments in the margin. *Endorsed* The Bill now before the House, 1691, Jan., concerning small Tithes.

512. Jan. 4. Bishopric of London Act.—Amended Draft of an Act to enable the Bishop of London and Trustees to sell the manor of Bushley, in the county of Worcester, part of the Bishopric of London, and to purchase other lands to be annexed to the said Bishopric, for the improvement thereof. The Lords' Amendments (Com. Book, 7 Jan.) are to leave out (" or three lives ") after (" twenty-one years ") in the first enacting Clause enabling the Bishop to grant leases of the lands to be purchased, and to fix the yearly rent to be reserved on such purchased lands at 80*l.* The Draft, as thus amended, is identical with the engrossed Act, the Commons' Amendments (C. J., X. 656) being corrections of errors in engrossing it. [Read 1ª this day; Royal Assent 24 Feb. (L. J., XV. 14, 93), 3–4 W. & M., c. 21. in Long Calendar.]

513. Jan. 4. V. Villiers *v.* E. Suffolk.—Petition of Edward, Lord Viscount Villiers, on the behalf of his sisters, daughters of Sir Edward Villiers, knight, deceased. Petitioner's father on 22 Dec. 1677, settled on Henry Howard, Esq. (now E. Suffolk), George, V. Grandison and Richard Butt, Esq., certain lands in Kent, and a considerable sum of money, in trust to raise portions for Petitioner's sisters. 2,000*l.*, being part of this sum, was put into the hands of Sir Stephen Fox at interest, and security taken for it in trust as aforesaid in the names of Henry Howard and V. Grandison. The latter having got the 2,000*l.* out of Sir Stephen's hands, and neglecting to pay it, a Bill in Chancery was brought against them, and the Court on 1 July 1690, ordered them to pay the sum with interest. Howard neglecting to pay his share, the Court on 13 Dec. 1690, committed him to the Fleet prison, but as he is now an Earl, no further proceedings will be allowed in Chancery without an order from their Lordships. The Standing Order of 12 Nov. 1685, refuses privilege to Peers, as trustees. Prays to be allowed to proceed against the Earl. [Read this day and referred to Committee for Privileges. (L. J., XV. 15.) The Earl declared to the Committee that he waived all privilege. Priv. Book, 11 Jan.; L. J., XV. 25.]

514. Jan. 4. L. Morley's Privilege (G. Wilson). — Petition of George Wilson, junior, of Kendal in the county of Westmoreland, Gent. In the counties of Lancaster, York and Westmoreland there are above sixty persons (among whom are Thos. Powley, a woolstapler, Ralph Thompson, Baxter Young, John Buckley, Gent., Thos. Batty, clerk, John Shepheard, Shearman Dyer, and William Kellett, innkeeper) who pretend and produce protections from L. Morley, though none of them are entered by the Clerk of the House; and under colour of these protections, several of the said persons have been lately discharged from prison, and the rest are looked upon as men not subject to the law. And in the town of Hornby, where his Lordship lives, no sheriff's officer dare attempt to arrest any inhabitant without his Lordship's licence first had, several bailiffs, who have attempted to do so, having been whipt and put in the stocks by his Lordship's order. Thomas Powley, having been arrested in last Trinity vacation at the instance of Petitioner, as clerk to his father, an attorney, at the suit of John Pickering, for 500*l.* on a writ of *capias* issuing out of the Court of Common Pleas, produced a pretended protection from L. Morley, as steward and overseer of his Lordship's collieries, in and about London and Westminster, where Powley had never in fact been employed in his Lordship's service, but was a woolstapler, living with his family at Kendal. Petitioner was advised that this protection is void, not having been entered in the Parliament Office, as required by their Lordships' order of 28 March 1690, and he therefore was induced to hold Powley to bail. After his arrest, Powley, to colour his claim of privilege, went for a few days to live with L. Morley as his gardener. Complaint being made of the alleged breach of privilege, Petitioner was sent for 200 miles off by a messenger and is now in custody of Black Rod; and L. Morley has brought an action of *scandalum magnatum* against him for 1,000*l.* damages on pretence of Petitioner's saying that his Lordship was no Peer nor qualified to grant protections. Prays to be discharged and to be heard by Counsel at the Bar. L. J., XV. 10. [The House was first moved in this matter on 15 Dec. 1691. *Thomas Powley* (sworn) stated that he had served L. Morley the greater part of half a year, and received 20*l.* a year. *George Jopson* (sworn) said he saw Wilson arrest Powley. He had known Powley several years. Powley had served L. Morley half a year. *L. Morley* stated that Powley was his menial servant. The House then ordered Wilson to be brought in custody. (L. J., 687. MS. Min.) The above Petition being read this day, *George Wilson* was called in, and said that Powley was no servant of L. Morley's. He paid his club with L. Morley. Produced a certificate of the Borough of Kendal. Has an affidavit of three persons, that Powley is not a servant of his Lordship, nor was ever reputed so to be. Is an agent for several attorneys, and had been told by them that there are 100 persons protected in the county. L. Morley came and offered to discharge this person. L. Morley asked him why he was so hot, and deponent told him it would vex any man who had been sent for 200 miles. L. Morley's town is called the Whitefriars and the men the blackguards. *L. Morley* stated that the man was his servant. His Lordship's witnesses were then called in. *George Jopson:* Heard Powley say he was [L. Morley's servant] before he was arrested. *Baxter Young:* My Lord owned him to be his servant some time before the arrest. *William Morland* [or *Morley*]: Had heard Powley acknowledge he was L. Morley's servant. The parties having withdrawn, *Question* asked by Speaker: Whether the House is not of opinion this Powley was not L. Morley's servant? *Agreed* he was not. *Proposed*, That L. Morley ask the pardon of the House.

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The House then ordered that L. Morley should be committed to the Tower, that Wilson should be discharged, and that Jopson should be committed to the Gatehouse. (L. J., XV. 15. MS. Min.)—On 11 Jan. Jopson, on his petition (Annex (*a.*) below), was released. (L. J., XIV. 23.)—L. Morley's Petition for release was read on 15 Jan. (*ib.* 32), and his Lordship was discharged, on motion, on the 22nd, with a recommendation to the Lords of the Treasury to pay the fees of his commitment and discharge, and of Wilson's discharge, &c. out of his pension (*ib.* 44).—On 25 Jan. the House being moved on behalf of E. Thanet's Under-Sheriff to indemnify him for discharging persons protected by L. Morley, referred the matter to the L. C. Justice (*ib.* 49).—On 27 Jan. the *L. C. Justice* (being heard on motion) said: The Sheriff, upon receiving an account that he is L. Morley's servant, discharges the person. I am of opinion that the Sheriff is not indemnified, and that an action may be brought against him for an escape. *Ordered* that the business be debated on 1 Feb. (MS. Min., L. J., XV. 52.)—On 1 Feb. debate adjourned. *L. C. Baron:* The Sheriff and Under Sheriff ought to be indemnified. *Ordered* accordingly. (MS. Min., L. J., XV. 57.)]

Annexed:—

(*a.*) 11 Jan. 1691-2. Petition of George Jopson. Petitioner ignorantly misinformed their Lordships in swearing that Powley was servant to L. Morley, being illiterate and not knowing the distinction between menial and domestic servants and persons employed, like Powley, in his Lordship's business. Prays to be discharged. L. J., XV. 23.

515. Jan. 4. Dodsworth *v.* Roberts. (In Error.)—Petition of George Roberts for an early day for hearing. L. J., XV. 16.

Annexed:—

(*a.*) 9 Feb. 1691-2. Tenor of Judgment pronounced this day. L. J., XV. 68. *In extenso.*

516. Jan. 4. Westminster (Small Debts) Bill.—Commons' Engrossment of an Act for recovering of Small Debts and for relieving of Small Debtors, in Westminster and the Liberties thereof. Whereas by an Act of Parliament made in the seven and twentieth year of Queen Elizabeth, intituled An Act for the Good Government of the City and Borough of Westminster, in the County of Middlesex, it is provided and enacted, That there shall be for ever established in the said City and Borough and within the Liberties of the same for the better government of the inhabitants thereof two high burgesses and ten other burgesses and twelve assistants to the said burgesses, to be from time to time elected and constituted as in the said Act is limited and appointed. And whereas by one other Act made in the thirtieth year of the reign of the late King Charles the Second, intituled An Act for making part of the parish of St. Martin in the Fields a new parish, to be called the parish of St. Anne within the liberty of Westminster, It is enacted for the better government of the said parish, that the Dean of the Collegiate School of St. Peter in Westminster, or his successor, or the High Steward there, for the time being, or his lawful deputy, with the said burgesses and assistants or the major part of them, shall and are thereby authorised at a time in the said Act limited yearly, to elect two or more of the inhabitants of the said parish, and to be additional burgesses and assistants for the said parish. And by one other Act made in the first year of King James the Second, intituled An Act for erecting a new parish to be called the parish of St. James, within the liberty of Westminster, It is also enacted that the said Dean of St. Peter's in Westminster, or his successor, or the High Steward there for the time being, or his lawful deputy, shall yearly

nominate two sufficient persons inhabiting within the said parish, to be additional burgesses for the said parish, and together with the burgesses of the city and borough then in being, or the major part of them, nominate and elect two other able persons inhabiting in the said parish, to be assistants to the said burgesses for the purposes in the said Act appointed. And, whereas, there are many poor debtors inhabiting within the said city and borough, who for want of some such like good order and provision for their relief, as hath been by divers Acts of Parliament provided in the like cases for poor debtors within the said City of London, are subject to great oppression and other distresses. Wherefore, to the intent that some full and ample provision may be made for the relief of such poor debtors, Be it enacted by the King and Queen's most Excellent Majesties, etc., That the said Dean of Westminster and the High Steward and his Deputy and the two chief burgesses and other the burgesses of the said city and borough of Westminster and the liberty thereof, appointed or to be appointed by virtue of the said recited Acts, or any twelve of them (whereof the said Dean and High Steward, or his deputy, or one of the two chief burgesses to be one, from time to time for ever to be appointed during their office) shall and are hereby authorized and required, monthly to assign six of the said burgesses and six of the assistants of the burgesses of the said city and borough to be Commissioners of a Court of Requests, and they or any three or more of them so assigned, shall meet and sit once or oftener in every week, at nine of the clock in the morning, in the Town Court House at Westminster, or in some other convenient place, there to hear and determine all matters brought before them between party and party, as herein and hereby it is directed and appointed, and from time to time to appoint some fit and able person to be Registrar of the said Court, and some such other person to be a messenger or beadle, of the same, and to hold the first meeting on the first or second Monday of the month which shall happen after the first of the four usual Feasts, videlicet, the Feast of the Annunciation of the Virgin Mary, the Nativity of Saint John the Baptist, Saint Michael the Archangel, and the birth of Our Lord God after the Royal Assent given to this Act.

And be it further enacted, That every person and persons inhabiting or that shall inhabit within the said city and borough, or the liberties thereof, being a tradesman, victualler, or labouring man, or the widow of such which now have, or hereafter shall have, any debt or debts owing to him, her, or them, not amounting to forty shillings by any person or persons being a victualler, tradesman, or labouring man, inhabiting or that shall inhabit within the said city and borough and the liberties thereof, shall or may cause such debtor or debtors to be warned or summoned by the beadle or Officer of the said Courts of Requests holden in the place aforesaid. And that the said Commissioners, or any three or more of them shall have full power and authority by virtue of this Act from time to time to set down such order or orders between such party or parties, plaintiffs, and his, her, or their debtor or debtors, defendants, touching such debts, not amounting to the value of forty shillings, in question before them, as they shall find to stand with equity and good conscience. All such their order or orders to be registered in a book, in like manner as they are or have been accustomed to be registered in the Court of Requests, held in the Guildhall of the City of London. And as well the party plaintiff and debtor or defendant shall, and is hereby required to observe, perform and keep the same in all points. And that for the more due proceeding herein, It shall be lawful for the same Commissioners, or any three or more of them, to minister an oath to the plaintiff or defendant, and also to such witnesses as shall be produced on

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each party, if the same Commissioners, or any three or more of them, shall so think meet.

And be it further enacted by the authority aforesaid, That if in any action of debt, or action upon the case upon an assumpsit for the recovery of any debt to be sued or prosecuted against any person or persons aforesaid in any of their Majesty's Courts at Westminster, or elsewhere out of the said Court of Requests, it shall appear to the Judges of the Court where such action shall be sued or prosecuted that the debt to be recovered by the plaintiff in such action doth not amount to the sum of forty shillings, and the defendant in such action shall duly prove either by sufficient testimony, or by his, her, or their own oath to be allowed by any the judge or judges of the said Court where such action shall depend, that at the time of the commencing of such action such defendant or defendants was or were inhabiting and residing in the city or borough of Westminster or the liberties thereof as aforesaid, that in such case the said judge or judges shall not allow to the said plaintiff or plaintiffs any costs of suit, but shall award that the same plaintiff or plaintiffs shall pay so much ordinary costs to the party defendant as the said defendant shall justly prove before the said judge or judges it hath truly cost him, her or them in defence of the said suit. And be it enacted, that if any such plaintiff or creditor, defendant or debtor, after warning given him, her or them in manner and form before in this Act mentioned by the said Officer of the said Court of Requests, shall without some just or reasonable cause of excuse, refuse to appear in the said Court before the said Commissioners, or shall not perform such order as the said Commissioners or any three or more of them shall set down, for or concerning such debts as aforesaid, That then it shall be lawful for the said Officer of the said Court, or any of the Constables of the said city or borough of Westminster or the liberties thereof, by order of the said Commissioners or any three or more of them, by warrant under their hands and seals, to commit such party or parties to prison in the common gaol there, to remain until he, she, or they shall perform the order of the said Commissioners in that behalf.

Provided always and be it enacted, that the like fees for the order, commons, and other process of this Court shall be paid to the officers and ministers thereof as are paid to the like officers of the Court of Conscience called the Court of Requests sitting in the Guildhall in London and no other.

Provided also that this Act, or anything therein contained, shall not extend to any debt for any rent upon any lease of lands or tenement, or any other real contracts, nor to any other debts that shall arise by reason of any cause concerning testaments or matrimony, or anything concerning or properly belonging to the Ecclesiastical Courts, albeit the same shall be under forty shillings, anything herein contained to the contrary in any wise notwithstanding.

Parchment Collection. [Brought from the Commons this day (L. J., XV. 14.) The proceedings in Select Committee (M. Halifax in the Chair) were as follows:—17 Feb. *Ordered* that the L. Steward, the V. Villiers, Sir James Butler and all other persons concerned may be heard to-morrow (Com. Book.)—18 Feb. *V. Villiers* acquaints the Committee that the Counsel he was to have had are engaged in Chancery, so he has none here. He desires that the King's Counsel may be heard at the Bar before the third reading. Order of 5 Jan. for hearing Counsel before the second reading (L. J., XV. 18) is read. *Ordered* to report that V. Villiers expecting to have been heard according to the said Order before the second reading against the body of the Bill, and

the Bill having been read the second time in his absence, before his Lordship was heard, and it not being in the Committee's power to hear him against the body of the Bill, their Lordships desire to know the pleasure of the House therein. (Com. Book.) The House, on this report, ordered Counsel for and against the Bill, to be heard on 20 Feb. (MS. Min., L. J., XV. 82.) Nothing further appears till 23 Feb., when the House ordered Counsel to be heard the next day. (L. J., XV. 89. No entry in MS.Min.) The Bill dropped with the Session.]

517. Jan. 5. Newton's Estate Act.—Amended draft of an Act for settling the Manor and Lordship of King's Bromley and other the messuages, lands, tenements and hereditaments of Barbara Newton, widow, Relict of Samuel Newton, late of the Island of Barbadoes in America, Esq., deceased, and John Newton, Esq., son and heir of the said Samuel by the said Barbara. The Lords' Amendments (Com. Book 13 Jan.) are drafting ones. No Amendments in the Commons. [Read 1ª this day; Royal Assent 24 Feb. (L. J., XV. 18, 93.) 3 and 4. W. & M. c. 42 in Long Calendar.]

518. Jan. 9. Tooke *v.* Sir R. Atkyns.—Petition and Appeal of Thomas Tooke, Esq. Sir Robt. Atkyns, Knight of the Bath, L. Chief Baron of the Court of Exchequer, as guardian of Petitioner and executor to his great-grandfather, received large sums during Petitioner's minority, and Petitioner having brought a Bill in Chancery against him and Petitioner's mother Mrs. Elizabeth Reynell and others, the Court, on 19 April 1687, decreed an account.* Sir Robert proposed at the hearing to refer the matter as to himself to the Lord Commissioner (then Mr. Serjeant) Rawlinson, whose decision should be binding, and Petitioner consented. The referee awarded Sir Robert to pay 600*l.* in satisfaction of all demands. Sir Robert, after informing the Court that he was content to comply with the award, delayed payment, and imposed certain articles on Petitioner, then in great distress and a prisoner in the Fleet, binding them to assist each other to recover 1,800*l.* from Petitioner's mother, viz., 1,200*l.* for Petitioner and 600*l.* for Sir Robert, who was to pay his share of the costs of the recovery, and Petitioner was not to release his mother, though the award itself contained no such direction. Petitioner spent above 200*l.* in prosecuting his mother, and she above 400*l.* in her defence, and Sir Robert, whom she called as a witness, testified his belief that she had spent much more for Petitioner's education and maintenance than ever she had received of his estate, all which Sir Robert must have known, when he imposed the articles on Petitioner. Sir Robert afterwards, having lent Petitioner 220*l.* on a mortgage of the reversion of some houses in London, included the 600*l.* awarded money in the mortgage, making it one for 820*l.*, and then brought a Bill in Exchequer to compel Petitioner to pay the 820*l.* or foreclose, and the Court on 2 July 1691 decreed in his favour. Appeals against this decree. *Signed* by Appellant; *Countersigned* by Wi. Williams and John Squibb. L. J., XV. 22. [At the hearing of this Appeal, M. Halifax was chosen Speaker *pro tem.*, in place of the Respondent (*ib.* 71, 77, 92). On 11 Feb. Counsel called in. *Sir W. Williams* (for Appellant): We hope this Decree shall be corrected. It may stand good for the 200*l.*, but not for the rest. *Mr. Finch* (for Appellant): The money lent was but 220*l.* Sir Robert Atkyns was charged with this. The Court of Chancery made a decree that they should all go to an account. The L. Chief Baron referred his part to Serjeant Rawlinson. Upon that reference, proposed by Sir Robert, Counsel were heard, and it was awarded that Sir Robert should pay Mr. Tooke

* 1 Vernon 451.

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600*l.* There was a confirmation of this award. Upon Sir Robert's lending the 200*l.*, there were new Articles agreed on, that he should prosecute Mrs. Reynell. Sir Robert was examined as a witness for Mrs. Reynell, and said that he verily believed she had spent more on bringing him up than ever she had out of the estate. We have a bundle of receipts under Sir Robert's hand. He received the rents and profits of the estate. The money was paid, pursuant to the award, but Tooke was in the Fleet when he got the Articles and was in hope to get some of it again. [Counsel propose to read an evidence, and the other side oppose it, not having been read below.] If we do not satisfy your Lordships that this was an unjust award, there is no colour for this decree. The Articles are read. *Mr. Dodd* (for Respondent): Reads the words of the decree. Upon this decree Sir Robert thought himself safe. I agree he referred it to Serjeant Rawlinson. Mr. Tooke, when he saw Sir Robert would controvert this award, said "I believe your Lordship never received one penny." Mr. Tooke proposed the security, if Sir Robert would advance the money. This we have in proof. *Mr. Finch* was heard in reply, and proposed to read Sir Robert's receipts for moneys received out of the estate. Counsel withdrew on the point, whether they shall be read or not, the same not having been read or offered in the Exchequer. *Proposed*, to ask the Barons of the Exchequer whether the award was before them? *Turton, B.:* The proceedings in one Court ought not to be read in another Court, without an order. The award was before us and was debated some time before us. Then, after debate, *Question* put, Whether the Counsel for the Appellant shall be permitted to read the Receipts offered by them, and said to be subscribed by the L. Chief Baron? *Previous Question* put and resolved in the *Negative*. Counsel called in and asked what they had to say more. *Mr. Finch* said they had no more, and withdrew. The Speaker then reported, and, after debate, further debate adjourned to the 15th inst. (MS. Min.)—On 13 Feb. the House ordered the L. Commissioner Rawlinson to attend on the 15th (L. J., XV. 75), and also, at the desire of Sir Robert Atkyns, that the Receipts offered to be read, should be then read. (MS. Min.)—On 15 Feb. the House went on with the debate about the points of fact, not agreed how it was stated by the Counsel, and concerning the L. Commissioner Rawlinson's being called in, pursuant to the order, to give an account of the award made by him, and after some time spent therein, it was *Resolved* by 29 votes to 19 not to call him in. Counsel were then called in, one on each side. *Mr. Finch:* Mr. Tooke being in the Fleet, Sir Robert lends the money, and before he lets him have it, makes articles for Mr. Tooke to sign. The young man must make a woman reimburse money again, which she could not do, being married. Either the mother received it or not, so either way there was nothing to be had. Sir Robert takes a security from the young man. *Mr. Dodd:* The question is whether we shall have the 820*l.* or lose the 600*l.* It is insinuated as if Mr. Tooke were a weak man. He was not. He was not in prison at that time at Sir Robert's suit. Mr. Tooke said he never believed Sir Robert received any of the 600*l.* He paid the 600*l.* upon articles. I cannot say there is proof Mr. Tooke looked into the particulars. *Mr. Finch* was heard in reply. Counsel withdrew. *Lechmere, B.* was heard: It was to us an ordinary case upon Bill and Answer. *Turton, B.* was heard. The L. C. Baron insisted he was injured by the award. Mr. Tooke by Articles agreed the 600*l.* should be paid. Nothing appeared before us upon what ground Serjeant Rawlinson made his award. After debate, the House ordered that precedents should be searched, of affirming part of a decree and reversing the rest; and if,

upon new evidence being offered, a new trial below has not been ordered, and of a decree having been affirmed and a release set aside. (L. J., XV. 77, MS. Min.)—On 19 Feb. *Sir Robert Atkyns* was heard to speak himself out of his place. He proposed to leave it to a trial at law, and some proposals were made to him.* He then withdrew, and Mr. Halifax was chosen Speaker *pro. tem.* After some time spent in debate, it was *Moved* That Mr. Tooke's Counsel be called in and asked whether he will accept of what the L. C. Baron offers.† *Ordered*, That the debate on this matter be adjourned till to-morrow. (L. J., XV. 85. MS. Min.)—On 20 Feb. the debate was further adjourned till the 23rd (L. J., XV. 86), on which day it was again adjourned till the 24th (*ib.* 89).—On 24 Feb., the debate being resumed, the proposals on either side were read. The cause of Zouch and his wife, 22 Nov. 1670,‡ and several other precedents were read, wherein the Lords have done more than affirm or reverse upon hearing Counsel upon Appeals. After debate, the *Question* was put, Whether this Cause shall not be referred to the Exchequer in order to be heard upon all the proofs that were produced or used in Chancery? Resolved in the *Affirmative*. Contents 22; Not-Contents 17. Tellers, E. Stamford and L. Cornwallis. (L. J., XV. 92. MS. Min.) The Appeal was ultimately dismissed, without further argument, on 14 March 1692–3. (L. J., XV. 287.)]

Annexed:—

(*a.*) 16 Jan. 1691–2. Answer of Sir Robert Atkyns. Respondent was not sole executor to Appellant's great-grandfather, Thomas Tooke, Esq., but co-executor with his brother Sir Edward Atkyns, and one Stephen Ewer, deceased. Thomas Tooke died about 20 years since, and Respondent living at a distance and having no leisure, owing to his duties as a judge, left the receipt of his estate to his co-executors, and Ewer, a near neighbour and attorney, who survived the testator about six years, exhibited his account into Chancery, which has yet to be produced. Respondent was never guardian to Appellant, nor did he ever receive a penny as such, but Appellant's mother, now Elizabeth Reynell, widow, was his guardian till he was 14; only Respondent allowed her to employ one Thomas Pocock, a very honest man and receiver of Respondent's own money and living among the tenants, to receive Appellant's rents for her, and sometimes received some for her himself, but never without paying them at once to her, and never since Appellant was 14, which was 15 years ago. The 1,800*l.* which Appellant charged Respondent and Sir Edward with having received, among other sums, as a portion with Appellant's wife, on his marriage with Sir Richard Atkyns' daughter, was not a portion at all, but was given by Sir Richard in trust for Appellant's mother, she being destitute of maintenance, and Respondent and one Brighouse were made trustees, to prevent her then husband, Carew Reynell, from touching the money. The L. Chancellor Jeffreys, on 19 April, 3 Jac. II., decreed an account by such of the defendants as had received the money in dispute, including the 1,800*l.* Respondent offered the reference merely to save expense and time, and named Serjeant Rawlinson, his principal lawyer and chiefly employed by him in that cause. He never informed the Court he was content to comply with the award, except on terms agreed

* Annex (*c*).

† This motion is cancelled in MS. Min.

‡ *Zouch* v. *Naylor*, L. J., XII. 370.

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between them, being extremely dissatisfied with it, and resolved to stand it out to the utmost. Appellant's imprisonment in the Fleet was not due to any act of Respondent, and so far from being imposed on, he declared it to be unjust that Respondent should pay any part of the 1,800*l.*, never having received any of it, and voluntarily came to articles, in Respondent's absence, that Respondent should pay him the 600*l.*, and be reimbursed out of the moneys then due to Appellant from his mother, whom Appellant covenanted not to release without Respondent's consent, and gave Respondent a bond of 1,000*l.* to perform the articles, which were confirmed by the Court of Chancery. Soon after, Appellant, being wheedled into it by his mother, gave her a general release, without informing Respondent, although the Master had reported nearly 4,000*l.* due from her, and thus forfeited the bond and was in contempt of court. It is Appellant's mother who now prosecutes this Appeal, in hope to gain her son's estate for herself and her children by her second husband, Appellant having no children, or brother or sister of the whole blood. Appellant being sensible of this wrong, and having borrowed 220*l.* more of Respondent, freely gave Respondent a new security by mortgage of certain houses in Castle Yard, Holborn, for the two sums; but the houses stand charged, prior to this mortgage, with 200*l.* a year separate maintenance to Appellant's wife, which is to be made up to 300*l.* a year if she survive him, and she is now 30 years old, and the whole revenue does not arise to pay her the 200*l.* a year by much, besides which the reversion is much encumbered. Respondent not being paid a penny to this day, and his security being so small, brought his Bill in the Exchequer, having the privilege, as a Judge of that Court, of suing and being sued there only, and obtained the decree complained of, but he neither sat nor acted as a judge at the hearing, but sate uncovered among the Counsel, and left his case for Counsel to manage. Prays that the Appeal may be dismissed with costs. *Signed* by R. Atkyns; *Countersigned* by P. Davies. *Endorsed* as brought in this day.

(*b.*) 22 Jan. 1691-2. Petition of Appellant that Respondent may be ordered to produce at the hearing certain documents, including the articles of agreement relating to the 600*l.*, and a deed relating to 1,800*l.* made by Sir Richard Atkyns; and that Petitioner may have a copy of the Articles and give a third person security to prosecute the Appeal. *Endorsed* as read this day. L. J., XV. 44.

(*c.*) 19 Feb. 1691-2. Paper endorsed "Proposal offered between Thomas Tooke and the L. C. Baron Atkyns," as follows: "To waive the award and set aside the release given to him, pursuant to it. To waive the privilege and give security to pay what shall be owing upon the account, and to proceed to take the account before the Master, pursuant to the Decree in Chancery." *Noted* in the Clerk's hand, is the following: "I would go to a trial at Common Law in an action of account against the Chief Baron, as guardian to the Appellant, to be tried the next term in the King's Bench or Common Pleas, the Appellant first paying the 820*l.* and interest. Then I am willing to waive my privilege and set aside the release and the award."* [Offered this day, and read on 24 Feb. MS. Min. of date.]

* *See* notes to first Paper as to what was said by Sir Robert this day.

519. Jan. 11. Vaughan's Estate Act.—Draft of an Act for the settling of certain messuages, mills, lands and tenements in the county of Merioneth upon certain Trustees, to be sold or mortgaged towards the payment of the debts of William Vaughan and Jenkin Vaughan, Esqrs., deceased. [Read 1ª this day; Royal Assent 24 Feb. (L. J., XV. 24, 93.) 3–4 W. & M. c. 28 in Long Calendar.]

Annexed:—

(*a.*) 22 Jan. 1691–2. Consent to the passing of the Bill, of John, Hugh, Griffith and Richard Vaughan, uncles of Margaret Vaughan, spinster, an infant, daughter and heir of Jenkin Vaughan, being her next heirs, also of Anne Vaughan (who signs with her mark), her grandmother, under whose custody Margaret is, several of the sureties for Margaret's father and grandfather being now in prison for their debts, and their estates and families likely to be ruined, as will also the whole of Margaret's property, unless the Act pass. *Dated* 25 Nov. 3 W. & M. *Attested* by Screven Hughes, David Owen, Eaun Hugh and Elizabeth Vaughan. [Read in Committee this day. Com. Book.]

520. Jan. 11. Sadleir's Estate Act.—Amended draft of an Act to enable Sir Edwin Sadleir, Bart., to sell lands to pay his debts. The two amendments of the Lords (Com. Book, 23 Jan.) are purely clerical. [Read 1ª this day; Royal Assent 24 Feb. (L. J., XV. 24, 93). 3–4 W. & M. c. 24 in Long Calendar. Com. Book, Jan. 20, 23.]

521. Jan. 11. V. Villiers' Estate Act.—Amended draft of an Act for the vesting several manors, lands and rents in the counties of Lincoln, Berks and Devon in Trustees, to be sold for the buying other manors and lands, to be settled for the same or the like uses as those to be sold are now settled. The Lords' Amendments (Com. Book, 14 Jan.) are to alter the sum of 5,400*l.* to 6,300*l.* throughout the Act. The Commons' Amendment (C. J., X. 656) was a drafting one. [Read 1ª this day; Royal Assent 24 Feb.* (L. J., XV. 24, 92.) 3–4 W. & M. c. 16 in Long Calendar.]

Annexed:—

(*a.*) 15 Jan. 1691–2. Lords' Amendments to the Bill. [Made in Committee 14 Jan., and reported this day. (Com. Book; L. J., XV. 31.)]

522. Jan. 11. Beaw *v.* Jones.—Petition and Appeal of William Beaw, LL.B. On the death of Sir Richard Lloyd, Knt., late Chancellor of the diocese of Llandaff, in 1686, the then Bishop granted the office to Dr Stafford, in trust for Appellant, who, on reaching the age required by the Canon, received on 14 May 1687 a new patent for himself, the former one being surrendered with Stafford's consent. The Respondent, Dr. John Jones, claimed the office as the survivor of Lloyd, under a grant made on 7 Sept. 1671 by Francis Davies, the then Bishop of Llandaff, and applied to William Beaw, Bishop of Llandaff, to be admitted, but the latter refused, on the ground that the patent of 1671 was void, being made to two persons, and that Lloyd had surrendered it and taken a new one for his own life only. Respondent urged that he had never joined in the surrender, and in 1689 brought a Bill in Chancery against William Beaw, Bishop of Llandaff, William Lloyd, his predecessor, afterwards Bishop of Norwich, Appellant, and others, for a discovery of the surrender and an account of profits since Sir Richard Lloyd's death. The Lords Commissioners on 6 Feb. 1691 directed a trial in the Court of King's

* MS. Min. of 23 Feb. has the following entry:—L. Villiers' Bill, Westmr. to-morrow.

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Bench, at which Appellant was ordered to make certain admissions, and a verdict accordingly was found against him.* The cause coming on to be heard on the equity reserved on 20 Nov. 1691, the Lords Commissioners refused to adjourn it for the attendance of Appellant's Counsel, who had gone away, not expecting it to come on that day, being the 26th cause in the paper, but decreed Petitioner to deliver possession of the office to Respondent, who obtained a perpetual injunction to quiet him and an account of all profits since Lloyd's death. The Court has since refused a rehearing. Prays that the Order and Decree may be reversed and Respondent ordered to answer. *Signed* by Appellant. The counter-signatures of W. Thomson and Edw. Ward are copied on the petition. L. J., XV. 23. [The Appeal was heard and dismissed with 40*l.* costs on 18 Feb. *Sir Francis Winnington* and *Mr. Grove* appeared for Appellant, and *Serjeant Tremaine* and *Mr. Finch* for Respondent. L. J., XV. 82. MS. Min.]

Annexed:—

(*a.*) 27 Jan. 1691–2. Answer of Dr. John Jones. The office was granted in September 1671 to Sir Richard Lloyd and Respondent jointly and severally and to the longest liver of them. Dr. Francis Davies, the Bishop who granted it, was succeeded in the bishopric, on his death in 1674, by Dr. William Lloyd, who on his removal to Norwich was succeeded by Dr. William Beaw, the present Bishop of Llandaff. The last-named constituted Commissioners, on Lloyd's death, to execute the offices of Chancellor and Vicar-General, without the privity or consent of Respondent, and afterwards made a grant to Stafford and Appellant of the same kind as that which he refused to recognise in the case of Lloyd and Respondent, and as indeed is usual and has been customarily granted time out of mind both in that and in several other places in England. Dr. Lloyd never surrendered the Patent with the privity or consent of Respondent, nor did Respondent ever join in any surrender. The decree was made after due notice to Appellant, without the least surprise, and after hearing counsel on both sides. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Tremaine. *Endorsed* as brought in this day.

(*b.*) 27 Jan. 1691–2. Petition of Respondent for an early day for hearing. *Unsigned.* L. J., XV. 51.

(*c.*) 19 Nov. 1692. Petition of Appellant. The costs, amounting to 40*l.*, adjudged to be paid to Respondent, in respect of the Appeal, are more than Respondent could reasonably expend, having had only two counsel and one solicitor, who attended their Lordships but one day of hearing, and being at no charges of a journey to attend the hearing, as he lived in the City of London. Prays that the costs, which will ruin Respondent and his family, may be remitted. *Endorsed* as read this day and rejected. L. J., XV. 116.

(*d.*) 9 Feb. 1692–3. Petition of Respondent. Their Lordships dismissed Beaw's Appeal as frivolous, with exemplary costs, but Sir Adam Ottley, Knt., the Master in Chancery who was to tax Petitioner's costs, and Petitioner, having knowledge that Beaw is protected as Secretary to his father, the Lord Bishop of Llandaff, are unwilling to proceed in the matter without

* 4 Mod. Rep. 16.

leave of the House. The Protection, which was struck out of the Book, has been, by some means or other, entered therein again, whereby their Lordships' Judgment is likely to be frustrated. Prays that the Protection may be discharged. [Read this day and referred to the Committee for Privileges. L. J., XV. 222. No entry of proceedings in Priv. Book.]

(*e.*) 14 Feb. 1692–3. Petition of Same. Petitioner's last Petition was referred to the Committee for Privileges, who were to meet on the 13th inst., but there was not a sufficient number of Peers present on that day to make a Committee. Prays to be heard at the Bar. *Endorsed* as read this day. Nothing done on it. MS. Min. No entry in L. J.

523. Jan. 11. Oxford University (Confirmation of Charters, &c.) Additional Bill.—Draft of an Additional Act for the confirmation of the Charters, Liberties and Privileges of the University of Oxford. Same as the Bill of 10 Nov. 1690, relating to the two Universities (No. **321** in last Calendar), with the omission here of the portions relating to Cambridge,* and with verbal alterations consequent thereon. [Read 1ª this day. (L. J., XV. 24.) No further proceedings.]

524. Jan. 12. D. Norfolk's Divorce Bill—Draft of an Act to dissolve the marriage of Henry, Duke of Norfolk, Earl Marshal of England, with the Lady Mary Mordant, and to enable the said Duke to marry again. "Forasmuch as Henry, Duke of Norfolk and Earl Marshal of England, having been married to the Lady Mary Mordant, hath made full proof that his said wife is guilty of and hath committed adultery on her part; and forasmuch as the said Henry, Duke of Norfolk hath no issue, nor can have any probable expectation of posterity to succeed him in his honours, dignities, and estate, unless the said marriage be declared void by authority of Parliament, and the said Duke be enabled to marry any other woman, the King and Queen's most Excellent Majesties, upon the humble Petition of the said Henry, Duke of Norfolk, having taken the premises into their Royal consideration, for divers weighty reasons are pleased that it be enacted, and be it enacted by the King and Queen's most Excellent Majesties, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, That the said marriage between the said Henry, Duke of Norfolk, and the said Lady Mary his wife shall from henceforth be null and void, and is by authority of this present Parliament declared, adjudged and enacted to be null and void to all intents, constructions and purposes whatsoever, And that it shall and may be lawful to and for the said Henry, Duke of Norfolk at any time or times hereafter to contract matrimony." The rest of the Bill is identical with the Act of 1700 (12 Will. III. c. 26. in Long Calendar),† except in omitting here the words ("so far as concerns the said Lady Mary or any issue of her body, or any interest for her or them") and the whole of the last section of the Act relating to the 10,000*l.* marriage portion &c. [Read 1ª this day. (L. J., XV. 25.) The first reference to this Bill occurs on 7 Jan., when the House gave leave to E. Strafford to "open the Bill" the next day. (L. J., XV. 20.) The subsequent proceedings are thus recorded:—

Jan. 8. Order of yesterday read. *E. Strafford* opened the Bill. *D. Norfolk* was heard as to the transaction of the business. A Petition of Mary, Duchess of Norfolk was read.‡ After debate, *Question:*

* These were transferred to a similar but separate Bill relating to Cambridge. *See* No. **494** in last Calendar.

† The Act is printed *in extenso* in Howell's State Trials, XIII., 1283, sqq.

‡ Annex (*a.*).

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Whether Counsel shall be heard on both sides on the 11th on the Bill offered to this House? Resolved in the *Negative*. Contents (no proxies) 36; Not-Contents (including 5 proxies) 38. Tellers, E. Stamford and L. Chandos. *Ordered* that the Duchess have notice of the Bill, and that both parties be heard by Counsel on the 12th. (MS. Min.; L. J., XV. 21.)

Jan. 12. Counsel called in. *Sir Thomas Powys* (for the Duchess): I think there is no legal evidence yet before your Lordships. His Grace has been provoked by her suing for alimony.* Cites the Marquess of Northampton's Act† as being fully against this case, it reciting the sentence of the Ecclesiastical Court. Cites cases of Mr. Lewkner,‡ and of Mrs. Wharton and Mr. Campbell.§ The Duchess has witnesses beyond sea, whom she cannot bring hither. *Mr. Trevor* (for the Duke): I will answer the objections made by the other side. They say it was six years since the Duke was provoked. Adultery is the breach of the conjugal bond; that, I think, will not be questioned. *Sir W. Williams* (for the Duchess): This is the first precedent. I hope this Bill will never be received for an example to England. *Sir Cresswell Levinz* (heard to reply to Sir W. Williams): We can have no relief anywhere but here. Counsel withdrew. After long debate: *Question*, Whether the Bill shall be received? Resolved in the *Affirmative*. Contents, 51 (including 4 Proxies); Not-Contents, 43 (including 5 Proxies).‖ Tellers, E. Monmouth and E. Scarborough. Bill read 1ª (MS. Min.; L. J., XV. 25.)¶

Jan. 13. Petition of the Duchess read. *Ordered* to hear the Civilians, Sir Richard Raynes, Sir Charles Hedges and Dr. Oxenden the next day, and then consider when the Bill should be read 2ª. (MS. Min.; L. J., XV. 27.)

Jan. 14. Civilians called in, and informed of the Bill and of the Duchess's Petition, and desired to state the method. *Sir Richard Raynes:* The Plaintiff brings in a Libel setting forth the full fact, with all the circumstances of adultery. The other party is to answer the circumstances. Then the Plaintiff is to produce witnesses to prove the Libel, and the adverse party has a note of the witnesses' names. The Defendant has time to cross-examine. If the witnesses are obscure, then time is given for drawing Interrogatories. The witnesses are to be produced before the adverse party. The party never has more than three weeks to prove the Libel. If it be a matrimonial case, the Judge is to examine by himself, and there he can view the face of the witnesses. When these depositions are ended, then she has the like time for examining her witnesses. Then by this time it is probable the cause is full ready and founded. Then comes the publication of the witnesses. Then the pleading comes of exceptions to these witnesses, and they are kept private for fear of subornation. Now this may be effected in two or three terms at most: if beyond, say then, in respect of wind and weather, a longer time. Sometimes such Commissions are asked out of delay. *Sir Charles Hedges:* Speaks to the charge and the witnesses' names. The charge is always given. The witnesses' names are not given until sworn and publication. The charge must be certain, as to time and place. If a Commission be asked beyond sea, then the Court judges

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* *See* Howell's State Trials, XI. 1144–5 (1688).

† 5–6 Edw. VI. c. 30. Repealed in 1553 by 1 Mary, 30.

‡ Lewkner's Illegitimation Act, 2 W. & M. c. 6.

§ Wharton's Divorce Act, 2–3 W. & M. c. 17.

‖ Luttrell, who speaks of a "great debate" on this occasion, gives the majority wrongly as 6. (Diary, 12 Jan.)

¶ Annex (*b.*).

and an oath is given to prove the Commission necessary. They withdraw. *Ordered*, that the Duke bring his charge against the Duchess, and particularly as to person, time and place, on the 16th inst.* (MS. Min.; L. J., XV. 30.)

Jan. 16. *D. Norfolk* delivers his Charge.† *Ordered*, that the Duchess have a copy, and attend in person or by someone on her behalf on the 18th to receive it. (MS. Min., L. J., XV. 34.) *Sir C. Hedges* appears to have delivered in this day a Statement of the method of proceeding.‡

Jan. 18. *Sir Thomas Pinfold* appears for the Duchess, and is given a copy of the Charge, which the Duchess is ordered to answer the next day, when Sir R. Raynes and Sir C. Hedges are to attend. (MS. Min.; L. J., XV. 35.)

Jan. 19. *Sir Thomas Pinfold* was called in and delivered the Duchess's Answer,§ objecting to the Charge as too general. The Answer read. *Sir Charles Hedges* being called in, the Charge and Answer are read again, and he is asked whether they are according to the forms of their Court. He says: This Charge is not so particular as is usual. As to ("June and December") it is particular enough; but as to ("several times since") it is too large. I do not conceive she is to give any Answer but Guilty or Not Guilty. After debate, *Agreed* that the Charge is defective, and that the Duke be at liberty to amend it. [Later on in the sitting *D. Norfolk* brings in his amended Charge.‖] *Sir Thomas Pinfold* being called for, but not appearing, *Ordered* (after affirming the Previous Question) that a copy of the amended Charge be sent to the Duchess, and that she put in her Answer to it the next day. (MS. Min.; L. J., XV. 37.)

Jan. 20. A Petition of the Duchess¶ being read, she is ordered peremptorily to answer the next day. (MS. Min.; L. J., XV. 40.)

Jan 21. House informed that the Duchess is at the door. *Agreed*, that a chair be set for her at the Table. *Proposed*, that the Speaker put off his hat when she comes in, and then sit down and speak to her with his hat on. After debate: *Question*, Whether the Speaker shall stand with his hat off, when speaking to the Duchess? Resolved in the *Negative*. Contents, 39 (including 3 Proxies); Not-Contents, 39 (including 6 Proxies). Tellers, E. Thanet and L. Chandos.** *The Duchess* is then called in, and the Order for her to answer this day being read to her, she delivers her Answer,†† saying that it was all she could prepare in so short a time. The Answer being read, she withdraws. *Ordered* that Sir Richard Haynes and Sir Charles Hedges attend the next day. After debate: on *Question*, Whether the Duchess or her Proctor shall be summoned to attend the next day? *Previous Question* put, Whether this Question shall be now put? Resolved in the *Negative*. Contents, 32 (including 2 Proxies); Not-Contents, 32 (including 3 Proxies).‡‡ (MS. Min.; L. J., XV. 41).

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* The original proposal was "when he shall think fit." These words are struck out in MS. Min.

† Annex (*d.*). Luttrell, under date, adds "together with a list of witnesses."

‡ *See* endorsement to Annex (*c.*).

§ Annex (*e.*).

‖ Annex (*f.*).

¶ Annex (*g.*).

** The House then ordered that the same rule should be observed in the case of the Speaker addressing any Lord or other person.

†† Annex (*h.*).

‡‡ A cancelled entry here adds, "The Duke of Norfolk was asked when he could be ready to make good the charge against her." Luttrell, under date, states wrongly as follows: "A debate on the Duchess's Answer put in, whether she should be summoned to attend to-morrow and the Doctors of the Civil Law; on which the House divided, and carried it by 1 against; so put off till Saturday."

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Jan. 22. The Civilians called in. *Sir Charles Hedges* has the Duke's Charge read to him, and is asked whether it is a perfect Charge according to the method of the Court. He says: We should not draw it so. It is not according to our form. Q. Whether the Charge would be admitted in their Court? A. I conceive it would not, it being deficient in form. He withdraws. After debate, he is recalled, and asked, whether upon observing the Answer, he observed any other defect in the Duke's Charge? A. If she makes exceptions, it is nothing to it. She says she is Not Guilty, and denies it. That is sufficient. Q. Whether it amounts to a *litis contestatio*? A. He thinks it is. He withdraws. On Question, *Resolved* that the Duke shall produce his witnesses to-morrow, and that the Duchess attend in person or by her Proctor. *Ordered*, that both parties have orders for such witnesses as they desire.* (MS. Min.; L. J., XV. 44.)

Jan. 23. *Moved*, that the Duke's witnesses be called in. A debate arising as to the form of the Oath, a form is finally agreed to. *Mr. Franklyn*, the Duchess's Proctor, is called in, and offers a Protestation in Latin,† which is read. *Agreed* that the questions shall be asked the witnesses as desired. Then the witness being examined by him to the said questions, *Margaret Ellwood* is sworn. *Mr. Franklyn* offers another Protestation in Latin,‡ which he reads. He withdraws, and being recalled, is asked whether the rest of the witnesses might not be sworn without prejudice to the Protestation. He says: You may swear them, reserving the right of the Protestation to me. *The Speaker* told him that what he brought in should be in English. The witnesses§ having been examined, *Mr. Franklyn* prays for a copy of their evidence, as taken by the Clerk. He withdraws. *Moved* that the papers of the Protestation be translated into English. *Question*, Whether the Protestation shall be translated into English by Mr. Franklyn before any further step be made in the business. It was resolved in the *Negative*. [The Previous Question was put.] || Contents, 25; Proxies, 2; Not-Contents, 23; Proxies, 4. Tellers: L. Howard and L. Chandos. *Semper præsumitur pro negante*. House *moved*, that Mr. Franklyn do translate the last Protestation presently. *Ordered* accordingly. The Protestation, being translated, is read. *Ordered*, That Mr. Franklyn have a copy of the evidence given at the Bar, and that the Duke's witnesses be heard on the 26th and both parties to attend. (MS. Min.; L. J., XV. 46-7.)

Jan. 25. Petition of the Duchess¶ read. (MS. Min.; L. J., XV. 49.) Nothing was done on it.

Jan. 26. The D. Norfolk's witnesses attending, Counsel and Proctors for the Duke and Duchess are called in. *Sir W. Thompson* (for the Duke) states the Case. *The Duchess's Proctor* prays that the Duke's Counsel may not be present when the witnesses give their evidence. *Ordered*, that the Duke's Counsel being present shall be no prejudice to the Duchess. *The Duchess's Counsel* moves that the evidence should be in writing, and delivered to him. They withdraw. *Moved*, that the evidence be taken in writing by the Clerk, and that the Clerk read his notes to the witnesses before they go from the Bar, and if either Counsel observe anything taken short or mistaken, the Counsel may offer to have it rectified. *Agreed to*, and Counsel called in and in-

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* Annex (*i.*).
† Annex (*k.*).
‡ Annex (*l.*).
§ Annexes (*n.*) and (*o.*).
|| The words in square brackets are expunged in MS. Min.
¶ Annex (*p.*).

formed accordingly. *Sir William Thompson* (for the Duke): We will call in Rowland Owen. [The following witnesses were then examined, viz.: Rowland Owen, Margaret Ellwood, Thomas Hudson, Anne Burton, Simon Verelst, and Thomas Forster.]* *Counsel* (for the Duke): We have several more circumstantial witnesses, and therefore we rest our evidence here. They withdraw. *Ordered*, that the Duchess make her defence on the 29th. *Moved*, That a woman, one of the witnesses, being (*illegible*), was called and sworn. "I went for a pint of drink last night" (*sic*). *Moved*, that Protections be given to all the witnesses. (MS. Min.; L. J., XV. 50.)

Jan. 28. Witnesses for the Duchess ordered to attend the next day.† (MS. Min.; L. J., XV. 54.)

Jan. 29. Petition of the Duchess for further time till Feb. 1 to make her defence, read.‡ Counsel called in and told what she desires. *Sir W. Williams* (for the Duchess): We looked into the evidence against her, and we have not the witnesses, and doubt not but they will be here by Monday next. *Robert Welborne* (sworn) says he was with the Counsel last night, and the Counsel agreed it was impossible for them to be ready, and that one, who is the Duchess's woman, is in Hertfordshire, and they cannot find her. The Petition accordingly granted. (MS. Min.; L. J., XV. 54.)

Feb. 1. Counsel called in. *The Proctor* (for the Duchess) moves that the Duchess having given a personal Answer, the Duke might be obliged to give an Answer in writing. He conceives the Duchess has a right to it. *Counsel* (for the Duke): Issue has been joined, and it is unusual. *Counsel* (for the Duchess): We are ready to go on with our defence as to the adultery, so it be not prejudicial to the Duchess, as to the Civilians being precluded that if since the Duke and Duchess have been reconciled since the time (*sic*). They withdraw. *Ordered*, that the Speaker tell the Counsel that they should proceed to make the defence, and that, if there is anything else, [if] they have anything to offer in point of law, they shall not be precluded. Counsel called in again and told this. *Sir W. Williams* (for the Duchess): We shall follow them in their own steps. We desire that what was taken on the Duke's behalf may be read. [The evidence of the first witness read.] We shall call witnesses to prove this fellow to be a common street porter, and that there was but one key, and that kept by a particular person. [*Frances Knight* and *Henry Reyner* were then sworn and examined, and *Rowland Owen* re-examined.]§ *Counsel* (for the D[uke]): We have other witnesses to confront Rayner. [Deposition of Margaret Ellwood, taken the other day, is read.] *Counsel* (for the Duchess): This woman was a poor, mean cobbler's wife. [The following witnesses were then sworn and examined: *Michael Haddon*, *Joyce Heath*, *Mary Trevis*, *Mary Jones*, *Anne Ross* and *Mary Ross*.]§ An expunged entry here adds "Counsel for the Duke called for Margaret Ellwood." They withdraw. *Ordered* that the further hearing of the Duchess's witness be resumed on 3 Feb. (MS. Min.; L. J., XV. 58.)

Feb. 3. *Agreed*, that when the Counsel come in, the Duke's Counsel may proceed to support his evidence, if they think fit. Counsel called in and told so. *Sir W. Williams* (for the Duchess): I humbly conceive this is very irregular, we being in our evidence. He moves that Thomas

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* Annex (*q.*). "This day the King went *incognito* to the Lords' House, to hear the Duke of Norfolk's witnesses examined." Luttrell, 26 Jan.

† Annex (*s.*).

‡ Annex (*t.*).

§ Annex (*q.*).

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Hudson's evidence for the Duke may be read, which is done. *William Purchase* and *Col. Jacob Richards* examined.* *Anne Burton* recalled and re-examined. *Mary Sheriff* examined. *William Purchase* recalled and re-examined. [Deposition of Simon Verelst read.] *John Rothmell, John Hall* and *Hosea Grimsley*† examined. *Sir W. Williams* (for the Duchess): We have further evidence to prove my Lady's innocence, and a great deal we have from the Duke himself, and that the Duke was reconciled since. *Sir Thomas Powys* goes on. *Sir. W. Thompson* being asked if they have any more witnesses, says: We have witnesses to support our witnesses. *Mr. Ward* says the same. Witnesses examined, viz., *Edward Sylvester* ‡ and *John Jones, Thos. Cook* (to support Rowland Owen), *Capt. Chas. Potts, John Fawcett, Lawrence Purcell* (to support Margaret Ellwood), *Peter Scriber* and *Thos. Lloyd. Moved* that Mr. John Germaine attend the House on (*sic*). Further witnesses examined, viz., *Andrew Anderson, Robert Hemming, John Reynolds, Margaret Forster*, and *Jane Wadsworth. Francis Knight*† re-examined. *Sir W. Thompson* (for the Duke): We have done with our evidence. *Sir W. Williams* (for the Duchess): This is new evidence to other places. I hope we shall be allowed convenient time to answer this. They withdraw. *Ordered* that Counsel for the Duchess proceed in their defence on 6 Feb. (MS. Min.; L. J., XV. 61.)

Feb. 6. Counsel called in. *Sir W. Williams* (for the Duchess): We shall speak to two of the witnesses the last day. [Deposition of Thos. Lloyd read.] Witnesses examined,* viz., *Alexander Herman* and *Anthony Moree* (against Thos. Lloyd), and *Grace Cook, John Hall, Margaret Condy, Alexander Herman, Mary Pennington* and *Frances Knight* (against Jane Wadsworth). *Sir W. Williams:* We have done with examination as to falsifying their witnesses. The matter upon the Duke's case was examined by L. Peterborough, and Mr. Sherrington was at the examination. Some of these witnesses were then examined. The Duke went with his Lady into France. There they parted with great assurance of true love, and the Duke came to Lady Peterborough and showed it. The Duke paid alimony. Whether we can send a Commission into France is the question. The Duke sent to her to join in the sale of Castle Rising, which she refused to do, and then he said he would be uneasy to her, and to this I shall call witnesses, and I hope this will make things fair. Witnesses examined, viz., *Judith Stourton, Elizabeth Camell, Matthew Scott* and *Robert Welborne. Mr. Ward:* We desire time to examine witnesses to support the credit of our testimony and to answer some new matter that they have now examined to. Counsel withdraw. *Ordered* that the Duke's Counsel proceed to examine witnesses on the 9th. (MS. Min.; L. J., XV. 65.)

Feb 9. Counsel called in. Mr. Welborne's Information read. The following witnesses examined for the Duke, viz., *John Prince, Emery Arguis, Robert Elmes, Charles Read* and *Henry Dagley, Senior* (to the credit of Jane Wadsworth), and *Henry Dagley, Junior*, and *John Hoskins* (to discredit John Hall). *Ordered* that Counsel on both sides sum up on the 11th, and that Mrs. Sawbridge and Mrs. Stourton then attend to be heard. (MS. Min.; L. J., XV. 69.)

Feb. 11. Order of 9th inst. renewed for the 12th. (MS. Min.; L. J., XV. 72.)

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* For the depositions of these and other witnesses this day, *see* Annex (*w.*).

† These two examinations (Annex (*w.*) below) are not mentioned in MS. Min.

‡ During Sylvester's examination, L. Lucas said he was an honest man. MS. Min.

Feb. 12. Counsel called in. On motion by Counsel for the Duke, *Edith Sawbridge* and *Judith Stourton* are called in and examined.* *Counsel* (for the Duke): We have given our evidence, and it is for Sir W. Williams to begin. *Serjeant Thompson* (for the Duke): The Bill is brought for a divorce. The cause is adultery. We have given as great an evidence as may be. We have positive and other evidence. (Reads evidence of Owen.) He is very positive. (Reads evidence of Ellwood). This is positive and presumptive too. (Reads evidence of Hudson, Burton and Verelst.) No man can doubt of this in 1685, I think, in the least. The Duchess in her Answer says she was at Drayton, and Mr. Reyner [also]. *The Civilian* for the Duke is heard, and speaks much to the corroborating evidence, and recites those things. The business of the shirt is so strong and presumptive a proof, that nothing can be more so. *Sir W. Williams* (for the Duchess): They call it full proof and there are but two witnesses. They say it is hard to prove adultery, and therefore you must take conjectural evidence. Therefore, if these two witnesses were out of the case, there is not the least shadow or umbrage in the case. The most innocent lady in the world may be in a person of honour's company. Speaks to all the particulars in the evidence against and for the Duchess. Counsel withdraw. *Proposed* that the House should be adjourned now and the others heard on the next day appointed for this business. After debate, *Question:* Whether the further hearing of this Cause shall be adjourned to another day? Resolved in the *Negative*. Contents, 42 (including 10 Proxies); Not-Contents, 44 (including 14 Proxies). Tellers, L. Chandos and L. Howard of Effingham.† *Moved*, that but two Counsel be heard on either side. *Moved*, that the Speaker order the Counsel to repeat nothing that has been said. Counsel called in again. *Sir Thomas Powys* (for the Duchess) went on. The time is great in this matter. It is of marvellous consequence to all parents. The Duke had this under examination, and since acquiesced under it for six years, and now the Duchess is to answer for it. The Duchess is under great disadvantage in this defence. His Grace has been three years preparing, and we have but three days to answer. He examined 24 witnesses to confound us; nay, one witness gave herself by a wrong name. This was hard upon us. Many things we have been denied. We had not the Duke's answer. We have not had time by a Commission or otherwise to examine witnesses; yet it so happens we have made a very great defence. I hope you will not judge her otherwise than you would for her life. We were told your Lordships would fully hear all before you passed the Bill. (He then speaks to the evidence.) We suppose Mr. Knifton is kept from us. *Sir Thomas Pinfold:* This is out of time. It lay upon the Duke to prove this, and he ought to have done it before. Now it is no evidence at all. *Sir W. Thompson*, and *a Civilian* heard to reply. Counsel withdraw. *Ordered* that the House proceed further in the debate on the 16th; all Lords to attend, unless they can give a reasonable excuse. (MS. Min.; L. J., XV. 73.)

Feb. 16. Order for the adjourned debate read. *Moved*, that the Bishops be heard as to the Divine law in this case. *Moved*, that the Depositions be read. After debate, House put into Committee for more freedom of debate. E. Bridgewater in the Chair. Debate carried on, and after some time spent therein, House resumed. *Moved* to consider whether Proxies shall be used in this Bill? After debate

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* *See* Annex (*w.*). No notes of their evidence appear in MS. Min.

† L. Howard is not among the Lords recorded either in L. J. or MS. Min. as present this day.

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thereupon, *Question* put: Whether Proxies shall be used in the proceedings on this Bill of the Duke of Norfolk? *Previous Question* put: Whether this Question shall be now put? Resolved in the *Affirmative*. Contents, 50 (including 9 Proxies); Not-Contents, 47 (including 17 Proxies). Tellers, E. Feversham and E. Radnor. *Main Question* put and resolved in the *Negative*. Contents, 30; Not-Contents, 43. Tellers as before. Several Peers protested. *Ordered*, that the Depositions be read and the debate resumed the next day. (MS. Min.; L. J., XV. 78.)

Feb. 17. Depositions on both sides read. *Moved*, that the Question be put: Whether the Bill shall be read the second time? After an interruption caused by some words of heat spoken by E. Lincoln to E. Rochester, for which E. Lincoln was reprimanded by the Speaker, but excused from kneeling on account of his "unwieldiness," the Debate was resumed.* *Question:* Whether the Bill be now read a second time? Resolved in the *Negative*. Contents, 35; Not-Contents, 40. Tellers, E. Stamford and E. Feversham. (MS. Min., L. J., XV. 81.)

Feb. 18. House *moved* upon the Reasons for protestation yesterday entered concerning Proxies not being used upon the Bill. The Lords who signed the Reasons agreed, and made some alterations in them.† (MS. Min. No. entry in L. J.)

Feb. 24. *Moved* that the Depositions taken in D. Norfolk's case be entered. *Ordered* that (*sic*). (MS. Min. No entry in L. J.)]

Annexed:—

(*a.*) 8 Jan. 1691–2. Petition of Mary, Duchess of Norfolk. Petitioner is informed that the Duke is offering a Bill for dissolving the marriage between him and Petitioner. Prays to be heard before such Bill be received. *Signed* Mary Norfolke. *Endorsed* as read this day. MS. Min. No entry in L. J. Howell's State Trials, XII. 886. *In extenso.*

(*b.*) 13 Jan. Petition of same. Petitioner, having been married to the Duke for 14 years and upwards, never had had or received from him the least intimation of any misdemeanour on her part against him, which, joined to her innocency of the crime in the Bill, makes this proceeding very surprising to her, her person, estate and honour, which is more dear to her than life, being now brought into question. Prays for a copy of the particular Charge against her, with the names of the witnesses, and for reasonable time to answer before further proceeding on the Bill. *Signed* as preceding. L. J., XV. 27.

(*c.*) 16 Jan. Paper entitled: The usual method of proceeding in the Ecclesiastical Courts when a man sues his wife in a cause of separation or divorce for adultery. 1. She is to be cited to appear at a certain time to answer him in such a cause, and then, she appearing in person or by her proctor, a Libel is to be given, and a copy thereof delivered to her or her said proctor, and the said Libel being admitted by the Court, in the next place there is to be *litis contestatio*, which is done by confessing or denying the charge in general. 2. Then the Court is to assign a time for proving the Libel, and if the man shall think fit, he may require

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* This debate lasted till 8 in the evening, and Counsels' speeches on the 12th till 7. (Luttrell, Feb. 13, 18.)

† The alterations were made, as appears from the MS. Journal, in the third and last Reason assigned for the Protest, and consisted of substituting for some words erased, the following words in italics, viz.: "3. If such a Vote might be made, yet 'twas unreasonable *for those Lords who were against Proxies to make use of Proxies in the previous Question*, which was in effect to make the Lords concerned to vote against themselves."

the woman's answer to such articles of the said Libel as do not directly touch the crime, and he may produce and have his witnesses sworn in the presence of her or her proctor, giving a note of their names, and she is to have at least 24 hours time to give in Interrogatories, upon which the said witnesses are to be examined as well as upon the Libel. 3. The time for examining the witnesses and proving the Libel is left to the discretion of the Court, considering the distance of the places where the witnesses dwell. 4. The woman may give in any matter that shall be relevant, and the aforesaid methods are to be observed for proving the same. 5. When the witnesses are examined, publication of their depositions is to be decreed. 6. Then each party may give in any just exceptions against the persons or sayings of the witnesses examined on the other side, and proofs being made upon such exceptions in manner as aforesaid, the cause is to be concluded and sentence given. *Endorsed* as received this day from Sir Charles Hedges.

(*d.*) 16 Jan. Duke of Norfolk's Charge against his Duchess. L. J., XV. 34. *In extenso.*

(*e.*) 19 Jan. Answer of the Duchess to the Duke's Charge. *Endorsed* as brought in and read this day. L. J., XV. 37. *In extenso.*

(*f.*) 19 Jan. Amended Charge of the Duke. *Endorsed* as brought in this day. L. J., XV. 37. *In extenso.*

(*g.*) 20 Jan. Petition of the Duchess. Petitioner is advised that for her just defence, it is necessary to allege in her answer several special matters relating both to the Duke and herself. It is impossible in the short time allowed her, to prepare such an answer as she is advised is necessary. Prays for convenient time to answer. *Signed* M. Norfolke. *Endorsed* as read this day. L. J., XV. 40. Howell's State Trials, XII. 891. *In extenso.*

(*h.*) 21 Jan. Answer of the Duchess. *Endorsed* as delivered by her at the Table this day. *Signed* Mary Norfolke. L. J., XV. 42. *In extenso.*

(*i.*) 22 Jan. List of witnesses to be summoned on behalf of the Duke, viz., Capt. Steward, Miles, Jane Wadsworth, Rice Jones, Anne Jones, John Hoskins, John Hall, Mary Boyle, William Bayley, [Harman],* Mary Hall, Thomas Foster and wife, Symon Verelst and wife, Harrison, Thomas Lloyd, John Wood, Richard Owen, [Charles Read],* Peter Scriber, John Reynolds, Henry Dogley, Junr., John Colvin. *Endorsed* as dated.

(*k.*) 23 Jan. First Protestation offered by Mr. Franklyn this day on behalf of the Duchess. The signature Jno. Walker is subscribed. The Protestation has "assumunt," not "assumit" as in L. J. *Endorsed* as brought in this day (1). L. J., XV. 46. *In extenso.*

(*l.*) 23 Jan. Second Protestation offered by Mr. Franklyn this day on behalf of the Duchess. Signature as in preceding. The Protestation has "productioni" and "praxin," not, as in L. J., "productione" and "praxim." *Endorsed* as brought in this day (2). L. J., XV. 46. *In extenso.*

(*m.*) 23 Jan. Translation of second Protestation. *Endorsed* as brought in this day (3). L. J., XV. 47. *In extenso.*

* The two names in square brackets are struck through.

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(*n.*) $\frac{23 \text{ Jan.}}{9 \text{ Feb.}}$ List of witnesses sworn on Jan. 23 (*See* L. J., XV. 46–7) and Feb. 3 and 9 on behalf of the Duke.

(*o.*) 23 Jan. Paper entitled "What the Duke of Norfolk's witnesses said at the Bar in answer to the questions asked them by the Duchess's Proctor before the swearing them." *Endorsed* as dated. L. J., XV. 46, 47. *In extenso.*

(*p.*) 25 Jan. Petition of the Duchess. Prays for an allowance from her husband pending the suit, according to the practice of the Ecclesiastical Courts, where the Plaintiff is obliged to pay weekly to the Defendant enough money to defend the suit. *Endorsed* as read this day; nothing done on it. L. J., XV. 49.

(*q.*) $\frac{26 \text{ Jan.}}{1 \text{ Feb.}}$ Depositions of witnesses examined on these days. They are printed almost *verbatim* in Howell's State Trials, Vol. XII., at the pages stated below :—

26 Jan.	Feb. 1.
Rowland Owen, p. 897.	Frances Knight, p. 901.
Margaret Ellwood, pp. 902–3.	Henry Reyner [Keymer in MS. Min. and Depositions], pp. 901–2.
Thomas Hudson, pp. 906–7.	Rowland Owen (recalled), p. 897.
Anne Burton, pp. 908–10.	Michael Haddon [Sergeant Hatton in MS. Min. and Annex (*s.*)], p. 905.
Simon Verelst, pp. 911–2.	Joyce Heath [Hill in MS. Min.], p. 905.
Thos. Foster, p. 913.	Mary Trevis [Farrer in MS. Min.], p. 905.
	Mary Jones, p. 905.
	Anne Ross, pp. 905–6.
	Mary Ross, p. 906.

[Rough notes of their evidence, corresponding generally with the above, but with more particulars, appear in MS. Min. of dates.]

(*r.*) $\frac{26 \text{ Jan.}}{1 \text{ Feb.}}$ Names of witnesses examined on these days, as in preceding paper.

(*s.*) $\frac{28 \text{ Jan.}}{5 \text{ Feb.}}$ Names of witnesses ordered to attend to be sworn on behalf of the Duchess on 28 Jan. (L. J., XV. 54), on 29 Jan. (*ib.* 55), on 3 Feb. (*ib.* 61), and on 5 Feb. (*ib.* 64).

(*t.*) 29 Jan. Petition of the Duchess for further time till 1 Feb. to make her defence. *Signed* M. Norfolke. L. J., XV. 54. Printed *in extenso* in Howell's State Trials, XII., pp. 895–6.

(*u.*) $\frac{1 \text{ Feb.}}{12 \text{ Feb.}}$ Paper *endorsed* "Witnesses' names for Duchess of Norfolk. Per Mr. Elfe." In addition to certain witnesses examined on Feb. 1, 3, 6 and 12, whose evidence appears in Annexes (*q.*) and (*w.*), the list contains the following, viz., Mrs. Dorothy Lupeere, Col. Carwell, Chas. Sadler, George Wheatcroft, Chas. Benskin, Thos. Benskin, Samuel Kecke, Todd, Hannah Rothmell, John Elwell, Chas. Chadwick and Edward Wright and wife. None of these, except Susan Wheatcroft, are marked as sworn.

(*w.*) $\frac{3}{12}$ Feb. Depositions of witnesses examined on Feb. 3, 6, 9 and 12. They are printed *verbatim* in Howell's State Trials, XII. at the pages stated below :—

Feb. 3 :—

William Purchase, pp. 907–8.*
Col. Jacob Richards, p. 908.
Anne Burton, p. 910.
Susan Wheatcroft, p. 910.
Mary Sheriff, pp. 910–11.
William Purchase, p. 911.
John Rothmell, pp. 912–3.
John Hall, pp. 913–4.
Hosea Grimsley, p. 914.
Edward Sylvester, pp. 899–900.
John Jones, pp. 900–1.
Thos. Cook, p. 901.
Capt. Chas. Potts, p. 904.
John Fawcett, pp. 904–5.
Lawrence Parnell [Purcell], p. 905.
Peter Scriber, p. 916.†
Thomas Lloyd, pp. 914–5.‡
Andrew Anderson, pp. 916–7.
Robert Hemming, p. 917.
John Reynolds, p. 917.
Margaret Forster [Foster], p. 917.
Jane Wadsworth, pp. 917–9.
Frances Knight, p. 919.

Feb. 6 :—

Alexander Herman, p. 915.
Anthony Moree, p. 915.
Grace Cook, p. 919.
John Hall, p. 920.
Margaret Condy, p. 920.
Alexander Herman, p. 920.
Mary Pennington, pp. 920–1.
Frances Knight, p. 921.
Judith Stourton, pp. 921–2.
Elizabeth Camell, p. 926.§
Matthew Scott, p. 926.
Robert Welborne, pp. 926–8.

Feb. 9 :—

John Prince, p. 919.
Emery Arguies [Arguis], p. 919.
Robert Elmes, p. 919.
Charles Read, p. 919.
Henry Dagley, Senior, p. 919.
Henry Dagley, Junior, p. 921.‖
Henry Hoskins, p. 921.

Feb. 12 :—

Edith Sawbridge, pp. 922–5.
Judith Stourton, pp. 925–6.

(*x.*) $\frac{3 \text{ Feb.}}{12 \text{ Feb.}}$ Names of witnesses whose Depositions are given in preceding Paper, with the pages thereof where they occur.

(*y.*) 17 Feb. Paper endorsed "Witnesses' names, numbered as read in the House 17 Feb. 1691." The names are arranged in three columns, headed respectively: (1.) Witnesses and evidence for the Duke. (2.) Objected to by the witnesses examined on behalf of the Duchess. (3.) Witnesses to support the Duke's evidence.

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* This Deposition reads "He knows not *where Keymer* was." Howell has "that Reyner (*sic*) was."

† An expunged passage in this Deposition, which appears also in MS. Min., states that Scriber learned from his servant that Capt. Germaine had been once at Scriber's house at Vauxhall, when Lady Bateman was there.

‡ An expunged entry in this Deposition states that the wine-merchant, who took the house, "had a red face and light hair." In the MS. Min. the witness is made to say of Germaine, "I have seen him several times. He was a portly man, and wore his own hair." The words below in italics occur in this Deposition, but are not in Howell: "If he could see him now, he could tell whether it was he. *He has not seen him since the lady went away.* He believes Germaine was there every month in both summers."

§ The Deposition has thirteen, instead of seventeen, months, as in Howell.

‖ Counsel withdrew, while the House considered whether this Deposition should be allowed or not (MS. Min.).

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525. Jan. 12. Davile's Estate Act.—Consents of John Copley, William Garth, Thos. Mowbray, William Davile, Tryphosa Davile, James Wilkinson, and Henry Davile, to the passing of the Bill to enable William Davile to sell some lands for payment of debts. *Dated* 13 May 1690. *Attested* by C. Wilkinson and Matth. Smelt. [Read in Committee this day. (Com. Book.) The Bill was brought from the Commons on 24 Dec. 1691; Royal Assent, 24 Feb. 1691–2. (L. J., XIV. 701; XV. 93.) 3–4 W. & M. c. 34. in Long Calendar.]

526. Jan. 13. Browne *v.* Mercer.—Petition and Appeal of Edward Browne, Merchant. John Austen, being indebted 362*l.* to Appellant, became a bankrupt, and having effects in Spain in the hands of Power and Hill, Appellant sent his procuration to Spain to attach 18,000 Ryalls plate in their hands, which was done. Thereupon Mercer and others, Austen's assignees in bankruptcy, brought a Bill in Chancery against Appellant, Power and Hill for an account of Austen's estate and to have the attachment discharged. Appellant had no effects of Austen's in his hands. On 4 Dec. 1689 the Lords Commissioners decreed an account against Power and Hill, and that Appellant should give the proper authority for enabling the plaintiffs to demand the money so attached and for transmitting the estate and effects in the hands of Power and Hill to England; and on a rehearing on 3 March 1691 they decreed Appellant to pay the Plaintiffs the value of 18,000 Ryalls by him attached for 450*l.*, and on payment thereof, Power and Hill to consent that Appellant should receive the 18,000 Ryalls and take the same out of the Court at Cadiz. Appellant has since been prosecuted for payment of the 18,000 Ryalls although he has not received one penny thereof, and probably never may, but certain it is that if he had not caused the attachment to be made, Austen himself might by the custom of Spain have forced Power and Hill to deliver the said effects to him. Prays that the Decree, so far as regards himself, may be reversed. *Signed* by Appellant; *Countersigned* by W. Whitelocke and Thos. Filmer. L. J., XV. 26. [The Cause was heard on 13 Feb., when the last Decree was reversed and the first affirmed (*ib.* 75). *Mr. Sloane* and *Mr. Dobyns* appeared for Appellant, and *Mr. Trevor* and *Sir Ambrose Phillips* for Respondents. (MS. Min.)]

Annexed:—

a.) 23 Jan. 1691–2. Answer of John Knapp and George Cole, Merchants. John Austen, a dyer, being a debtor to Respondents, as well as Sir John Buckworth, Daniel Mercer, Edward Sherwood and others, fraudulently and to defeat his creditors, consigned large effects of his estate to Power and Hill to Cadiz in 1683, with orders to transfer them to one Walter Ryan, which was done. The Commissioners of Bankrupts assigned these effects to Respondents and Buckworth, Mercer and Sherwood in trust for them and Austen's other creditors, and Ryan and Austen also assigned them to Buckworth, the Respondent Knapp and others in trust for Austen's creditors, of all which Power and Hill had notice, and promised in writing to have the effects at the disposal of the assignees. No attachment ought to lie against them, the same having been duly assigned and transferred, and Austen had not the power to take them out of the hands of Power and Hill. Appellant, after claiming in 1684 to be a creditor of Austen, and coming in and paying his contribution money to George Cole, the treasurer of the Commissioners, in 1686, when the assignees were expecting the returns of the said effects by Power and Hill for the benefit of the creditors, caused the 18,000

Ryalls to be attached for a pretended debt of 450*l.*, and compelled Power and Hill to pay them into the hands of the Judge of the Court at Cadiz, and endeavoured to have them applied to the payment of his own debt only in prejudice of the rest of the creditors. The Court of Chancery ordered that Appellant should be paid his debt in due proportion to the rest of the creditors, and referred it to a Master to examine his demands. Appellant has brought his Appeal merely for delay and to prevent being committed to the Fleet. He conceals the fact of his having had notice of the Commission of Bankrupt and of having paid his contribution money. The nonpayment of his debt is entirely his own fault, having acted so irregularly. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents; no countersignature by Counsel. *Endorsed* as brought in this day.

527. Jan. 13. Bayley *v.* Robson.—Petition of Sarah Bayly. About 1671, James, the late husband of the Respondent Ann Robson, having purchased two leases of a brewhouse in Cambridge of one Susan Rix, afterwards Hamond, gave her a bond in 1,075*l.*, together with one Holt, to pay it. After her husband's death, Ann, as his administratrix, prevailed on Edward Bayley, a friend, to stand bound in place of Holt, and being afterwards arrested for debt, Bayley lent her 450*l.*, for which, not wishing to let her know it was his own money, he took bond in the name of one Alderman John Jeffreys, late of London, and was bound with her and her son, James Robson, therein for it. To secure him, she offered in 1684 to mortgage several lands in Cambridgeshire and to admit him as a partner in the brewery, pretending to have 1,800*l.* stock in the trade, and her son gave him a counterbond against Hamond's debt. Bayley afterwards discovering that Ann was in debt more than her stock was worth, refused to accept the partnership, but afterwards became bound with her and her son for 150*l.* borrowed of one Shanler, and 150*l.* borrowed of one Hawkins, whose debt he subsequently discharged, besides disbursing other sums at her instance. The mortgage was drawn for 1,000*l.*, but dated by Mr. Hunt, the scrivener, the day when he drew it, and the date was omitted to be altered when it was executed, at which time Ann and her son owed Bayley 1,400*l.* and upwards, besides Hamond's debt. Bayley discovering that the mortgaged premises were subject to previous incumbrances on the part of Paske and Bryan, contrary to what Ann had affirmed and covenanted, brought his Bill in Chancery to compel Paske and Bryan to set forth their claims, and that Ann and her daughters, the sisters and heirs of her son then dead, without issue, might pay the 1,000*l.* or be foreclosed. The defendants answered that the 1,000*l.* was not paid to Ann before the mortgage was sealed, but that the mortgage was only to secure Hamond's debt, and that all the moneys received by Ann from Bayley were on account of the partnership, and afterwards exhibited a cross Bill to the same effect. The L. Chancellor Jeffreys directed a trial on the special issue whether the 1,000*l.* was paid before or after sealing the mortgage, and a verdict passed for Bayley, but the Lords Commissioners, contrary to this verdict, refused to admit payment of the 1,000*l.* and decreed that it should be reckoned as Bayley's share in the partnership, notwithstanding that the articles of partnership were cancelled long before the mortgage was executed. Prays that this Decree may be reversed, and Mary Ann and Katherine Robson ordered to answer. *Signed* by Appellant; *Countersigned* by J. Somers and G. R. Pauncefort. L. J., XV. 26. [This Appeal was appointed for hearing on 2 March 1692 (*ib.* 82), but the Prorogation intervened. A subsequent Appeal (Annex (*b.*)

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below) was first heard on 28 Jan 1692–3, *Sir Thomas Powys* and *Mr. Jennings* being heard for Appellant, and *the Solicitor-General* and *Mr. Ward* for Respondents. On Question: Whether the Decree should be reversed, it was resolved in the *Negative*, the votes being equal, viz., 8 on each side. *Ordered*, that it be referred to a trial at law [if the Respondents desire it].* This Order was altered on 6 Feb., on reading a Petition of the Appellant (Annex (*d.*) below), and the House ordered a trial at law, upon the same issue as before, with power to give the partnership, and any other proof, in evidence. (MS. Min. of dates. L. J., XV. 206, 217). A verdict having been obtained, the Appeal, on petition of the Appellant † (L. J., XV. 229) was heard again on 2 Jan. 1693–4, when the Decree was reversed, and the Appellant admitted a mortgagee for the 1,000*l.* Counsel for Appellant being as before, and *Mr. Conyers* and *Mr. Dobyns* being heard for Respondents (*ib.* 332; MS. Min.).]

Annexed:—

(*a.*) 22 Jan. 1691–2. Answer of Ann Robson, widow, and Mary Ann and Katherine Robson, her children. Appellant was no party to any proceedings below, beyond being made a defendant for the discovery of a particular fact charged to be within her knowledge, and to which alone she answered. She does not even allege that her husband ever made a will, nor has she proved her title as his executrix. The Court on 27 Jan. 1690 decreed an account between her husband and the Respondent Ann touching the partnership and the 1,000*l.* pretended to be consideration of the mortgage, but proved to have been paid as his stock in the trade. Appellant's husband having killed himself since the decree, the suit became abated and has not yet been revived. Prays that the Appeal may be dismissed with costs. *Signed* by the Respondent Ann; *Countersigned* by T. Vernon. *Endorsed* as brought in this day.

(*b.*) 10 Dec. 1692. Petition of Appellant. Identical with her first Petition above, except in adding that her husband had died since the decree, and that she had duly proved his will. Prays also that proceedings may be stayed. *Signed* by Appellant; *Countersigned* by E. Jennings and G. Paunceforte. L. J., XV. 141.

(*c.*) 29 Dec. 1692. Answer of Respondents. Almost identical with the previous Answer (Annex (*a.*) above), omitting, however, the allegations as to the will. *Signed* and *Countersigned* as above. *Endorsed* as brought in this day.

(*d.*) 6 Feb. 1692–3. Petition of Appellant. At the hearing on 28 January last, it appeared that after Petitioner's testator had obtained a verdict upon the special issue directed by the Court of Chancery to try whether the 1,000*l.* was really lent on the mortgage, the Court, contrary to the verdict, decreed that the 1,000*l.* was brought into the partnership in the brewery. Respondents never pretended that the verdict was unduly obtained, but their Counsel alleging before their Lordships that part of the matters by them suggested were not offered at the trial at law, their Lordships ordered another trial. The allegation is wrong. Prays to be heard to the matter thus suggested. [L. J., XV. 217.]

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* These words in square brackets appear expunged in MS. Min. L. J., XV. 206, gives the Order as subsequently altered.

† Annex (*e.*).

(*e.*) 14 Feb. 1692–3. Petition of Appellant. Petitioner has drawn up the same issue as before in the Court of Exchequer and tendered it to Respondents, who refuse, however, to name an Attorney to appear. Prays that the Respondent Ann Robson may be ordered forthwith to plead to the action, and that the Sheriff of Cambridge there attend with the book of freeholders for nominating a special jury for a trial at the next assizes. L. J., XV. 229.

(*f.*) 17 Nov. 1693. Petition of Appellant. A trial at law has been had, as directed, and Petitioner has obtained a verdict. Prays that the Decree of the Lords Commissioners, which is contrary to both verdicts, may be reversed. L. J., XV. 300.*

(*g.*) 22 Nov. 1693. Answer of Anne Robson, one of the Respondents, to preceding Petition. A verdict was obtained as alleged, but Petitioner hopes that the House, on a further hearing, will sustain the Decree. *Endorsed* as brought in this day. [Appended to preceding.]

(*h.*) 4 Dec. 1693. Petition of Appellant for a day for hearing the Cause as to such matters as were reserved at the last hearing for further consideration after the trial. L. J., XV. 312.

(*i.*) 7 Dec. 1693. Petition of Respondent for further time for hearing, her writings being at Cambridge, where she lives. L. J., XV. 316.

528. Jan. 15. D. Grafton's Estate Act.—Amended draft of an Act for vesting certain pieces or parcels of ground in the parishes of St. James and St. Martins-in-the-Fields, late the estate of Henry, Duke of Grafton, deceased, in Trustees, to be sold. The two Amendments of the Lords (Com. Book, Jan. 20) are purely clerical. No amendments in the Commons. [Read 1ª this day; Royal Assent, 24 Feb. (L. J., XV. 32, 92). 3–4 W. & M. c. 11 in Long Calendar.]

529. Jan. 19. L. Stanhope's Estate Act.—Amended draft of an Act for the enabling Phillip, Lord Stanhope, son and heir apparent of the Right Honourable Phillip, Earl of Chesterfield, together with the said Earl, to make a jointure and settlement upon the marriage of the said Phillip, Lord Stanhope. The Lords' Amendments are to add the Clause in Annex (*a.*), and to insert the names of Sir Henry Capel, Sir Henry Goodrick, Sir Wm. Stanhope, and Chas. Hutchison, Esq. (Com. Book, 21 Jan.). The Commons' later Amendments are given in C. J., X. 665. [Read 1ª this day; Royal Assent, 24 Feb. (L. J., XV. 37, 92). 3–4 W. & M. c. 14 in Long Calendar.]

Annexed:—

(*a.*) 21 Jan. Draft Clause ✠ (appended to preceding) making provision for L. Stanhope's future wife, in respect of expenses of apparel and pin money. [Added in Committee and reported this day. Com. Book; L. J., XV. 41.]

530. 20 Jan. Tross *v.* Pearce.—Petition and Appeal of Henry Tross, Esq. Appellant's brother Nicholas, being seized of the Barton of Yendacott and other lands in Devonshire, on his marriage with Wilmott, daughter of William Lee, by deed of 18 May 1659 conveyed the estate to the use of the heirs male, failing whom, the heirs female of the marriage, with remainder to the use of himself and

* The MS. Min. of 2 Dec. have the following expunged entry: "A Petition of Sarah Bayley is read. Ordered that the Clerks search the books of what has been formerly done in this case."

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Appellant, with remainders over, under a proviso that, if he should have no heir male, but only a daughter or daughters by Wilmott, then, on payments by the person enjoying the premises of 1,500*l.* portion to such daughter, if only one, or 1,000*l.* apiece, if two, or 2,500*l.*, to be equally divided among them, if more than two, at the age of 18, the use limited to the heirs male was to cease. In 1664, before any children were born of the marriage, Nicholas, Appellant and Walter Tross, their brother, levied a fine of the estate to one Benjamin Oliver, whereby Nicholas became seized in fee simple of all the premises, except such part as was purchased by Oliver, and settled them the same year on himself, Appellant and Walter, and their heirs male respectively, failing whom, on himself and his heirs. Shortly after, Nicholas died without issue male, leaving Wilmott *enceinte* with the Respondent Rebecca, and Appellant became entitled to the estate in fee tail, and took and held possession until Rebecca and her husband brought a Bill in Chancery claiming the 1,500*l.* for Rebecca as the only daughter, under the marriage settlement and entail, notwithstanding the fine levied in 1664, which barred it. The Lords Commissioners on 21 Nov. 1691 decreed payment with 5 per cent. since the time she reached the age of 18. This decree is unjust. The marriage settlement was designed to leave the estate entirely in the disposition of Nicholas, who, as tenant in tail, had power to cut off the entail and settle the lands to other uses, which he has effectually done. Prays that the Decree may be reversed. *Signed* by Appellant; *Countersigned* by J. Somers and Jo. Tremayne. L. J., XV. 39. [The Cause was heard on 9 Dec. 1692. *The Attorney-General* (for Appellant) having opened the case, *Counsel* (for Respondent) took exception to the reading of a deed. *The Attorney-General* heard to it for Appellant. *The Solicitor-General* (for Respondent): It is no ways regular to be read, nor was it made use of below. Counsel withdrew, and the Speaker reported the state of the case as to the deed being read or not. *Ordered* that the Deed might be produced in Chancery, which was to proceed *de novo* thereupon. L. J., XV. 141.]

Annexed:—

(*a.*) 29 Jan. 1691–2. Petition of Edward Pearce [*signs* Peare], Gent. Petitioner lives near Exeter, and is ill of a fever. Prays for a fortnight's further time to answer. L. J., XV. 54.

(*b.*) 13 Feb. 1691–2. Answer of Edward Pearce, Gent., and Rebecca his wife. Appellant claims under some old entail made by his grandfather, which was barred by the fine. The Court of Chancery declared that the 1,500*l.* portion was an equitable charge on the estate, and decreed payment thereof with interest from 6 May 1685, with costs, as taxed by a Master, who was to see that suitable settlement was made on Rebecca and her children, in case there was no settlement already made, and ordered a sale of the estate to raise the said portion. Appellant seeks to have an estate worth 8,000*l.* to be sold from the family, while refusing to pay Rebecca, the heir of the family, her portion. The deeds set up were never in issue before the hearing, and should, therefore, be disregarded. *Unsigned. Countersigned* by Nic. Hooper. *Endorsed* as brought in this day.

(*c.*) 28 Nov. 1692. Petition of Appellant for a short day for hearing. L. J., XV. 127.

531. Jan. 20. Shadwell (St. Paul's) Waterworks Act.—Amended Draft of an Act for incorporating the Proprietors of the Waterworks in the parish of St. Paul's, Shadwell, in the County of Middlesex, and

for the encouraging, carrying on and settling the said Waterworks. The Lords' Amendments were to add Annexes (*b.*) and (*c.*), to insert the name of Thos. Neale as first Governor, to fix the number of Assistants at 12, and to add the words ("*Feast of St. Michael the Archangel*"). The Commons' later Amendments were to add the rest of the Act after the Proviso in Annex (*b.*), and to correct some verbal errors in the engrossment. *See* C. J., X. 679. [Read 1ª this day; Royal Assent, 24 Feb. (L. J., XV. 39, 93). 3–4 W. & M. c. 44. in Long Calendar. *Mr. Neale* stated in Committee that the Bill was the same as the late Act for the Waterworks at York Buildings,* and the Patent and Lady Wentworth's grant were read. (Com. Book 22 Jan.)]

Annexed:—

(*a.*) 23 Jan. Lords' Amendments to the Bill. [Made in Committee 22 Jan. (Com. Book), and reported this day. (L. J., XV. 45).]

(*b.*) 23 Jan. Proviso that the Governor and Assistants, upon complaint by the lessees or tenants, shall submit to any regulation made by Order in Council. [Added in Committee 22 Jan. (Com. Book), and reported this day. (L. J., XV. 45).]

(*c.*) 23 Jan. Names of first Governor and 12 Assistants. [Inserted in Committee 22 Jan. (Com. Book), and reported this day. (L. J., XV. 45).]

532. Jan. 20. Alnage (Customs Collection) Bill.—Commons' Engrossment of an Act for transferring the Collection of the Duties of Alnage to the Custom House, and for giving a recompense to the Crown for the same. Besides some purely verbal alterations, this Bill differs from the Bill of 22 Dec. 1690 (No. **369** in last Calendar), by omitting the words of that Bill inserted below in square brackets, and adding the words in italics, viz.:—

Clause 1.

. . . from and after the [second] *five and twentieth* day of [February] *March*, one thousand, six hundred [and] ninety *two*, the Office . . .

. . . subsidy of Alnage shall *for ever* cease . . .

. . . as [required] *requires* or [enabled] *enables* the collecting *of* the said duties by the [Alnage officers] *said Alnagers, Collectors, or their officers or servants* shall . . .

Clause 2.

After the words ("authority aforesaid") down to ("that is to say"), this Clause reads as follows:—"That all the duty or subsidy of alnage due and payable before the passing of this Act for the woollen manufactures of this kingdom shall, from and after the said five and twentieth day of March, be for ever only due and payable at their Majesties' Custom Houses upon the exportation of such manufactures, and according to the proportions hereinafter specified, that is to say."

The Clause concludes as follows:—"And for every rug and coverlet, one halfpenny, and so in proportion for any greater or lesser quantity than is herein-before particularly mentioned."

Clause 3.

. . . the said [subsidy or custom] *duty or subsidy of Alnage at the said Custom Houses*, the same . . .

Clause 4.

. . . payable by the Merchant *upon the exportation thereof* by virtue of this Act . . .

. . . of every such cloth *to be exported*; and that . . .

Clause 5.

. . . received *at their Majesties' Custom Houses* by the [said] Custom House Officers, shall be *received* to the sole use . . .

* 2 Will. & Mary, sess. 2. c. 24 (1691). Charles II. by Letters Patent in 1681 had granted to Thomas Neale and his assigns the privilege of constructing waterworks at Shadwell to supply the manors of Stepney and East Smithfield.

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. . . as the said Duchess [had] *hath* any right . . .
. . . Alnage hereby transferred *to the said Custom Houses*, or to any rent . . .

Clause 6.

. . . or their order, *for and during her term and interest in the said duty or subsidy of Alnage*, and for such *their* payments, . . .

Clause 7.

. . . out of which term there are about [thirteen] *eleven* years yet to come and unexpired, Be [it]* therefore further enacted, [declared] and [appointed] *provided* . . .
. . . such part of the said duty [or] *of** subsidy hereby granted and appointed to be paid to the said Duchess *as shall arise* at the Custom House . . .
. . . the first payment thereof to be made at [the feast of the Annunciation of the Blessed Virgin Mary] *Midsummer Day*, which shall be in the year of our Lord one thousand, six hundred, ninety [one] *and two, and his or his assigns' receipt shall be a sufficient discharge to the said Officers of the Customs for the same*, anything in this Act . . .

Clause 8 (not in former Bill).

Provided nevertheless, and be it hereby enacted that from and after the passing of this present Act, no advantage shall be taken by the said Duchess of Richmond, her executors, administrators or assigns, or any of them, against the heirs, executors, administrators or assigns of the Right Noble Charles, late Duke of Richmond and Lenox, or against the lands, tenements or hereditaments, or any of them at any time belonging to the said late Duke, for so many years only as the said Duchess hath any right or title to the said duty or subsidy of Alnage . . .

Parchment Collection. [Brought from the Commons this day, and read 1ª 21 Jan. (L. J., XV. 39, 41.) For further proceedings, *see* Notes to next Paper.]

533. Jan. 21. Alnage (Customs Collection) Bill.—Petition of Frances, Duchess Dowager of Richmond and Lenox and others, Farmers of the ancient Duties of Subsidy and Aulnage on Woollen Manufactures, under the said Duchess and her Trustees. Petitioner, the Duchess, has a legal right and title, in consideration as well of marriage as by purchase, to the said Duties for a long term of years yet to come, under a yearly rent payable to the Crown, and the other Petitioners are Farmers of those Duties under her, for a great fine and other valuable considerations and a great yearly rent for part of the said term. Petitioners understand that the Bill proposes not only to take away these duties and lay rates on exported woollen manufactures only as a recompense for the duties, but also to deprive the Duchess of her remedy against the late Duke of Richmond's estate to supply her jointure, in case of the deficiency of the said duties settled upon her by the late Duke. Petitioners desired to be heard in the Commons at the Bar against the Bill, but were only heard in Committee, on recommitment, to the point of compensation. The rates under the Bill will not be half the present duties. Pray to be heard by Counsel at their Lordships' Bar against the Bill. *Signed* by the Duchess and also by John Eyles, Joh. Hayes and H. Stephens. L. J., XV. 43. [The Bill (*see* No. **532**) was brought from the Commons on 20 Jan. (L. J., XV. 39.) After a first reading this day, the above Petition was presented and read, and the House made an order to hear Counsel for and against the Bill. (*Ib.* 41, 43.) Counsel were first heard on 8 Feb. *Sir William Thompson* (for the Duchess): This is the same to every purpose as the Bill before. The Duchess's interest is established by several Acts of Parliament. She had this for her jointure. I pray the Bill may be rejected. *Mr. Ward* (against the Bill): At this rate one third must pay the whole. The Duchess has let it out. This is a deficiency in value, estate and remedy. *Sir*

* Obviously an error in this engrossment.

Thomas Powys (for the Farmers): We were out of purse 14,000*l.*, and now is our time for profit. We hope this will not be taken from us. *Mr. Browne* (for the Farmers): In the Bill there is no notice for the Farmers. We hope the Bill will not take away our right. *Mr. Trevor* (for the King): The King has the inheritance, and if there is not a recompense, then it is hard. This will depend upon matters of fact. I see not a recompense to the King. We do not say it is no recompense without reason. The duty now is for all cloths in the nation; the duty given is only for what is exported. It is apparent this is not a recompense. This interest that the Duchess has, is founded upon an Act of Parliament, and if one that claims upon the sanction of an Act of Parliament (*sic*). *Sir Francis Winnington* (for the Bill): I have not heard any substantial argument against the Bill. They argue from private interest. They say nothing for the King but this, that [as to] those cloths consumed at home, the duty is lost. This will bring a greater hereditary advantage than now it does. We will give the Duchess such security as her Counsel shall advise, so that she shall not lose by this Bill. If there be a provision for the whole farm, must not the tenant pay the 1,000*l.*? *Mr. Darnell* (for the Bill): The collecting comes to twice as much as the revenue. The question is, whether we propose a sufficient recompense. They say 9,000*l.* was given for this lease. The sole interest is 30,188*l.* per annum. If there be sufficient recompense, there can be no harm. There are five persons Farmers for the Duchess. We propose ten persons as sufficient, worth some 10,000*l.* It is for the relief of oppression that this Bill is brought. This is computed to be a greater ease to the people than taking off the Chimney money. *Sir W. Williams* (in reply): Is anything more public than the revenue? And this is an ancient revenue. This was established in Edward III. Counsel withdraw. *Ordered* that the report and debate thereon be adjourned to the 10th inst. (L. J., XV. 67. MS. Min.)

On 10 Feb. the Speaker reported, and after debate, it was proposed that the Counsel should be called in and told that the House expected a compensation to be made to the Duchess; that they should meet together to consider of a recompense, and how it should be secured to her. The Counsel were then called in and instructed as in L. J., XV. 70 (MS. Min).

On 15 Feb. Counsel were heard. *Mr. Darnell:* I spoke with Mr. Sergeant Thomson, and told him I would wait on him, and we were ready to give the Duchess a security, or to buy it; and since, Mr. Sloane told me the Duchess's Counsel were sick. Sergeant Thomson sent me word last night he had not yet received order from the Duchess. *Mr. Sloane* (for the Duchess): She has not trifled at all with your Lordships. We are ready to go to Mr. Sergeant Thomson presently. *Ordered* that the Counsel concert together, and bring the Proposals hither on Wednesday next, and if they do not then agree, they will receive the Proposals from the Clothiers. *Counsel* called in and told by the Speaker that the House is not satisfied with the delay, and sickness of Counsel is not sufficient; and that, if they do not agree then, Mr. Darnell for the Clothiers do bring their Proposals on behalf of the Bill. (MS. Min.; L. J., XV. 77.)

On 17 Feb. Counsel being called in, *Mr. Darnell* (for the Clothiers) was heard as to what he had proposed to the Duchess's Counsel. The Duchess's Counsel then offered a Paper to the House, which was read.* *Mr. Ward* (for the Duchess) was heard. *Mr. Sloane* was heard. *Mr. Trevor* (for the King): I have not heard anything for the King's interest. *Mr. Darnell:* As they propose it, it is impossible for us to

* Annex (*a.*).

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agree with them. A Clause offered by the Clothiers.* Counsel withdraw. The Order read. The Clause read by the Clerk. *Ordered*, That the Counsel for the Duchess shall have a copy of the Clothiers' Provisos, and that Counsel shall attend to-morrow. The previous Question on the motion that Proxies should not be used in the proceedings on the Bill was negatived without a division. (L. J., XV. 80–1. MS. Min.)

On 18 Feb., after a Petition of G. Hayes [Hase] and others, weavers of Norwich, had been read,† the House was moved again that Proxies should not be used upon the Bill. Then the Paper, delivered yesterday by the Duchess's Counsel against the Bill, was read. *Moved*, That a Committee be appointed to consider of proposals on either side, and report what agreement is made by Counsel on either side. The Bill was then read 2ª, and referred to a Select Committee, with instructions to examine into the true value of the Farm, &c. (L. J., XV. 83. MS. Min.).—The proceedings in Committee are as follows:—

On 19 Feb., L. Cornwallis in the Chair, Counsel being called in, *Mr. Ward* (for the Duchess) offers an account of the profit of Alnage. being a medium for three years, viz., 1686, 1687, and 1688, amounting to 7,350*l.*‡ The same is read. *Mr. Darnell* says he believes they make 20,000*l.* a year of the Alnage, but it is wrongfully, viz., by Shop rents and by extortion. A Table by which the Alnage is collected, is produced.§ *Mr. Moore* offers to make oath of the truth of the extract delivered in. *Mr. Darnell* produces acquittances ‖ in 1687 for shop rent for stockings; another acquittance in the same year for Alnage, 8 Jan. 1687; another for Alnage, another for stockings, &c. 1688, another for Alnage in 1685. *Sir Thomas Powys* (for the Duchess): Stockings are alnageable, and so have been frequently adjudged in the Exchequer. We are warranted by Act of Parliament. *Mr. Ward:* Stockings pay by weight, and are not sealed severally, but by packs. The duties upon stockings and caps are not worth 100*l.* a year. Caps never paid 6*d.* *Mr. Darnell* (for the Clothiers): They own the seal is of no other use than to acknowledge the receipt of the Alnage. Where wool is mixt with silk or hair it is not within the Statute of Alnage, though decrees have passed to the contrary. We can prove that they have taken 50*s.* a year of one person for shop rent rather than have his shop tumbled. We will buy your right, but we will not buy your oppression. We can bring our action, but it is for such small sums, and the clothier forced to sue, being poor, the very suit, though he conquers, undoes him, for the suit will not cost him less than 20*l.* *Sir Thomas Powys:* The law gives to every man that has a duty to receive, a power to compound. We never took 6*d.* upon hats, though we have a judgment for them. *Mr. Ward:* Nothing has been taken by the Alnager but what is warranted by law. *Mr. Darnell:* The fee of the officer is due for measuring the cloths and setting the seal to them, to give them a reputation abroad. We will prove that they make us pay 3*s.* for which a groat is but due. Gives an instance thereof in a small parcel of stockings produced. We will prove extortion in every species. They are ordered to give the Clerk the names of their witnesses, and to what particulars they bring them; and also to bring them this morning to be sworn.¶ They withdraw. Adjourned till to-morrow. (Com. Book, 19 Feb.).

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* Annex (*b.*).
† Annex (*c.*).
‡ Annex (*d.*).
§ Annex (*e.*).
‖ *See* Annexes (f^1.) to (f^5.).
¶ Several witnesses were sworn at the Bar this day on motion (MS. Min.).

On 20 Feb., L. Cornwallis in the Chair, Counsel are called in. *William Brewer, Esq.* (sworn at the Bar) says that he pays 4*d.* a seal for every cloth he makes, and one cloth with another weighs under 30 lb., which is double pay. He had 19 cloths seized on pretence he had paid but 3*d.* a cloth, whereas he had paid 19 groats. The cloths usually are between 20 and 24 yards apiece. He has paid this duty all this time. *Thomas Smith* says that he makes crapes, &c., and pays a penny a seal. Sometimes they weigh 2 lbs., sometimes 4 lbs. The officers have seized his goods before they were sealable, and they have made him pay for seizing and warehouse room, though they restored him his goods. Sir John Isles [Eyles] made him pay 43*s.* 4*d.* for a piece of stuff they seized, on pretence of being unsealed. The duty was but a penny, and I believe it was sealed. This was four or five years since. *Mr. Thomas Burford* (sworn) says that his serges, one with another, weigh 9 lbs. He pays 1½*d.* seal, which is 10½*d.* for 4½*d.* He paid for four or five years 1*l.* a year purely because they should not tumble his shop. This was fourteen or fifteen years since. The officers came to him first. *William Woodford* (sworn) says that all medley cloths that come to his hand pay 4*d.* They weigh about 30 lb. or 34 lb. apiece. They are about 26 or 30 yards long. We pay 5*d.* for white cloths from Sarum. He had once a cloth seized because it had a fivepenny seal on it instead of a fourpenny one, and he paid 6*s.* 6*d.* for it again. These cloths are generally above 24 yards, and weigh about 30 lb. *Counsel for the Duchess:* These cloths are by the Statute to pay by length and not weight. *John Mills* (sworn) says that he pays a penny a seal for rugs of 8 lb. or 9 lb. weight. He has seen much goods taken away in Bristol fair, when the seals have dropt off. He has paid 1½*d.* for rugs heavier. *William Stretton* says that about July twelvemonths since he sent for twelve chains [chenyes] from Norwich. They were seized, and he has been times without number with Sir John Isles [Eyles] for them. He has never had his goods again. They cost him 19*l.* 11*s.* 0*d.* They were seized for about 9*d.* or 13*d.* Sir John at length bade me get my goods by law, for I should not otherwise have them. I desired to buy them again of him, but he would not let me have them. They told me they were condemned in the Exchequer. *William Gourdon* says that July last was twelve months a Norwich weaver sent goods to him, value about 90*l.* He knows not whether they were sealed. The seals would not have been above 2*s.* 6*d.* They were seized before they came to his hand. *Roger Lillington* (sworn) says that it has cost him and his partner 15*l.* at a time for Norwich goods seized. Our stuffs are so thin that they will hardly bear seals; they drop off commonly. Now he has seals from Norwich (which he pays for) to put on. The officers coming to his warehouse to search, seized a piece of stuff, on pretence that it was not sealed, though he and his man could swear it was sealed when it was shown them. Norwich stuffs were never heard of till within twelve years. He has had 1,000 seals dropt off in his shop. The officers have cut open our packs on the road. Shows two pieces. *Thomas Powell* (sworn) says that the officers came to search his shop for unsealed goods. He told them most of his were so. They go through so many hands before they come to him, that three seals in four are off before they come to him. He believes it impossible for the seals to stay on; they go through so many hands. He has had several half pieces of cloth seized, where the end had been sold that had the seal on it. He has spent 30*l.* in a suit on that account, and has had a verdict for his cloth. In Cloth Fair they generally pay 9*s.* apiece a year for shop rent. I refused to pay; therefore they put me to this charge.

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We can never get to a trial, whether they can search our shops. This was about twelve years since. Sir [Robert] Sawyer was Attorney-General. Sir John Isles' [Eyle's] servants have searched my shop and sealed our stuffs. I pay for fresh sealing, but not shop rents. *John Turner* says that four years since, the Alnagers demanded 9*d.* a cloth where we paid formerly but 6*d.* They seized in Blackwell Hall 400*l.* or 500*l.* worth of cloth, though I had paid the duty of 6*d.* 70 lb. or 72 lb. is the weight. He had a trial, which cost him about 100*l.*, and he had a special verdict. His cloths are about 44 yards long. He offered them 3*d.* a cloth more than the 6*d.* paid, which was all they pretended to, yet they carried them away. In the cloths there is a ferule where they may be cut. He never paid more than 6*d.*, though he made them all with ferules. (Com. Book, 20 Feb.)

On 23 Feb., L. Cornwallis in the Chair, the Parties are called in. *Edward Ferraby* (sworn) says that he belongs to the Norwich carriers, and it is the practice of the Alnage officers to search the waggons every Tuesday. They cut open our packs and have taken our goods that have been sealed. They have taken away a dozen pieces of rough goods of Mr. Dearsley's that were undressed. This was about 18 months since. *Jonas Cole* (sworn) says that two years since, one of the Alnage officers seized his goods, when one of the seals was dropt off, which he offered at that time to make oath of. He was forced to pay for sealing again. Since that, they have seized white cloth of his, before it was sealable. *John Deberon* (sworn) says that he is a Scarlet Dyer, and that he never paid the duty now demanded by the farmers till their time. They have imposed 3*d.* upon cloth and ½*d.* on scarlet. They have seized my goods, after being sealed by them, when the seals have dropped off, though I have offered to swear that they have been sealed. I cannot say whether the seals were on them when seized. They exact a duty for scarlet, though the seal had been put to the cloth when white. This has cost me about 10*l.* a year more than the duty upon the white cloth. The trial in the Exchequer went for the farmers. The first Bow dyeing in England was not above 50 years since. We use cochineal in this dye. A London scarlet may be dyed for 50*s.*, for the same I have now 12*l.* *William Van Lule* (sworn) says he is a Scarlet Dyer. He was never demanded a duty for dyeing till these farmers came in. Two years since, they seized his cloths before they were dry, and would not re-deliver them without 10*l.* He believes he pays about 8*l.* or 10*l.* a year more than he ought. *Thomas Rea* says that till these farmers' time he never paid any duty for stockings. They have exacted a penny a score for stockings. For 64 lb. weight in some stockings he pays 3*s.*, for which he should pay but 4½*d.* His goods have been seized that have been sealed, and more than really the weight of the stockings, and they made him pay 5*s.* Another time his stockings were seized after the duty had been paid, and he was forced to pay 3*s.* 6*d.* The officers put on the seals. He knows not whether the last were sealed. *William Hawes* says the officers seized a Bow dye serge of his because it was not sealed, and he had a trial and cast them. From 1664 to 1683 he never knew this duty paid. *John Deagle* (sworn) says that in 1677 two officers came to search his shop, and took down all his cloth, and had 18*s.* of him for seals, though he had paid for all of them before. He has seen them at Blackwell Hall Market seize cloths. *Mr. Trevor* (for the Duchess) says that by the statute 27 Edward III. 4*d.* is paid for scarlet. *Ordered* That the Duchess's witnesses be sworn this day, to be examined tomorrow. (Com. Book, 23 Feb.)

On 24 Feb., L. Cornwallis in the Chair, the Parties are called in. *Counsel for the King* prays that, as the annual value shall be settled,

their Majesties may be considered for their reversion. *Counsel for the Duchess*: What has been alleged is rather clamour than anything else. It is clear the broad cloths are to be measured, and the duty to be paid by the measure. By 27 Edw. III.* every cloth is to pay 4*d.* for subsidy and ½*d.* to the Alnager. A scarlet is to pay 6*d.*; the half grain to pay 5*d.* 17 Rich. II. cap. 2: to make cloths of what length they please, but to pay *pro rata*. A cloth of Assize shall weigh 64 lb. 5 and 6 Edw. VI.; 4 Jac. II.; 6 Eliz. All duties to be paid at the rate of 24 yards for a broad cloth. 36 Eliz.: A patent granted for collecting the duty upon stuffs, called the New Draperies. 3 Jac. I., Coke's 4 Inst., fol. 31; all stuffs to pay by weight. This has been followed by several decrees in the Exchequer. If a cloth be but 16 yards long, it is to pay as if it were 24 yards long. Reads parts of 4 Jac. II. cap. 2 and 27 Edw. III. c. 4. If a cloth be 24 yards long, as to the duty, it is not material what the weight is. We have a decree 26 Eliz. 3 Jac. I. concerning cloths in grain. We have not one duty by encroachment, but we have an Act of Parliament for it. *Counsel against the Bill:* The Statutes do not warrant the inferences these gentlemen would make. Upon trial whether crapes were to pay the duty, it has been resolved they shall pay *pro rata*. Reads Statute 4 Jac. I. *Counsel for the Bill:* 3 Jac. I.; where stuffs are mixt, so as not to be mostly made of wool, no duty is due. No Statute till Edward VI. speaks of weight. The House being set, they withdraw. *Ordered* to acquaint the House with the proceedings of the Committee, that they may receive their further direction. (Com. Book, 24 Feb.)—This report was never made, the House adjourning on 24 Feb. to 12 April. On 23 Feb. the Commons sent a message to remind the Lords of the Bill (L. J., XV. 90), but it dropped with the Session.]

Annexed:—

(*a.*) 17 Feb. Paper endorsed "Duchess of Richmond's Proposals," as follows: "May it please your Lordships. In obedience to your Order, dated Wednesday the 10th inst., whereby it was directed, that the Counsel for the Bill to take away the duties of Alnage should meet with the Counsel for the Duchess of Richmond, to prepare a Clause to be inserted therein, whereby security should be provided sufficient to secure the Duchess of Richmond not only for the present rents reserved to her, but also for a compensation for the remainder of her term, and in case the Duchess should rather be willing to take a sum of money for her whole interest, then the Counsel on both sides were directed to consider what might be a proper sum to be paid for the same, and to prepare their proceedings in writing, to be offered to this Most Honourable House on Monday following by ten of the clock in the forenoon. Your Lordships' Order, in respect of the time could not possibly be complied with, by reason and in default of the Prosecutors for the Bill and their Counsel; though it has been most confidently but untruly since asserted to your Lordships to be the default of the Duchess and her Counsel, as will appear by the oaths of several persons, if required. But may it please your Lordships, in obedience to your last Order, dated Monday last, the Counsel for the Clothiers and the Duchess's Counsel and many persons concerned met, and there proposals and proceedings herein following were made. *Imprimis.* The Duchess, being desirous according to your Lordships' first order, to take a sum in gross for her whole interest, did by her Counsel insist, that she had grants from the Crown of

* 27 Edw. III., Stat. 1. c. 4.

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the duties of subsidy and Aulnage for the term of nigh 33 years to come, and that the duties of Aulnage, &c., paid to her and her farmers were 7,350*l.* per annum, clear of all charges whatsoever, to be made appear by their books and rentals. And the Prosecutors and their Counsel, being desired to know what they would give for this interest, did bid 13 years' purchase for the Duchess's whole interest, but refused to allow her interest to be so much as the sum of 7,350*l.* per annum, nor would make any proposition under that computation. But this Proposition they made: That for the present rent reserved to the Duchess, being 3,138*l.* per annum, they would give her 13 years' purchase, supposing that to be the rent reserved to her; and also offered 5,500*l.* for the future interest of the Duchess; and likewise 5,500*l.* more, to be paid to the farmers for their present interest; and this to be paid in ready money before the passing of the Bill. Or they would pay the two proposed fines of 5,500*l.* in ready money before the passing of the Bill, and give security to answer the rent of 3,138*l.* per annum for the remainder of her term, they having the benefit of the duties proposed by the Bill to be paid at the Custom House. And for security that the said rent of 3,138*l.* per annum should be paid during the Duchess's term of 33 years to come, they proposed these persons following, viz.:—

Edward Buller, of Woodalling in Norfolk,
George Ford, now Sheriff of Essex,
James Denew, in Mark Lane, Merchant,
John Smith, of London, Silversmith or Merchant,
Thomas Powell, of Aldersgate, Merchant,
Roger Lillington, of London, Merchant,
Joseph Brookesbank, of London, Merchant,
John Pettitt, of Aldersgate, Draper,
Thomas Dugdall, of Blackwell Hall, Factor,
John Busfield, Cateaton Street, Merchant,

who would give security by Articles and Covenants and Bonds for the performance of the same. And in case of nonpayment, a condition for the Duchess to have the duties proposed by the Bill, but utterly refuse to give any real or other security. The Duchess's Counsel submitted to accept 13 years' purchase for her interest, though insisted upon to be worth more, provided the computation were made according to the annual value of her interest, being, as above mentioned, 7,350*l.* per annum clear of all charges whatsoever; which the Clothiers and their Counsel utterly refused, and would make no proposal at all under that computation. So they differ in respect of the different computation of her interest. The different computation stands thus:—

	£	
The Duchess's interest being - -	7,350	per annum.
Clear of all charges for nigh 33 years to come, at 13 years' purchase amounts to the sum of - - - - -	95,550	
	£	
Their offer for the present rent of -	3,138	per annum.
At 13 years' purchase comes to - -	40,794	
In ready money to the Duchess -	5,500	
In ready money to the farmers -	5,500	
in all	£51,794	

	£	
So that the loss of the Duchess and her farmers, according to the different computations, even at 13 years' purchase only, amounts to	43,756	
The House of Commons proposed to raise to the Duchess, and the Clothiers' printed papers and proposals, before the Bill passed, are to secure	5,500	per annum.
Which, at 13 years' purchase, comes to	71,500	
Which is more than they now propose by	19,706	

Signed W. Thomson. *Endorsed* as read this day. [*See* Notes above.]

(*b.*) 17 Feb. Paper endorsed "Proposals of the Clothiers," as follows: "That the Bill be made to commence from Midsummer or Michaelmas next. And whereas Edward Bullwer, Esq., *George Ford, Esq., etc.*,* have proposed to buy out or farm of the said Lady Duchess her interest in the said duty and subsidy of Aulnage, and have proposed to pay to the said Duchess for her interest of 32 years or thereabout in the said duty, 13 years' purchase, according to the rent now reserved and payable by the farmers to her, or to pay 11,000*l.* to her and take a lease of the duty reserved by this Act at the Custom House during all her term, and interest at and under the same rent that is now reserved to her; Now be it further enacted, That if the said Edward Bullwer, *George Ford, Esq.*, etc. shall not pay to the said Duchess the said sum of 11,000*l.* and 13 years' purchase for the said interest, according to the rent now reserved, on or before the *feast* day of *St. John Baptist or St. Michael the Archangel* next ensuing, or shall not pay the said sum of 11,000*l.*, and seal and execute such lease and security to the said Duchess for the payment of the same rent that is now reserved during all her term, and interest as shall be approved of by *any of or any of the Judges* on or before the *feast* day of *St. John Baptist or St. Michael the Archangel* next ensuing, then this present Act shall cease, determine, and be utterly void, as if the same had never been made; anything herein-before contained to the contrary notwithstanding; And it is further enacted, That in the meantime the duties and subsidy of Aulnage shall be still due and payable as they were before." *Endorsed* as received and read this day. [*See* Notes above.]

(*c.*) 18 Feb. Petition of George Hase, Peter Scott, William Stretton, John Lucas and others. Petitioners, being dealers in worsted manufactures made in Norwich, have for several years past been greatly oppressed by the farmers of the duty or subsidy of Aulnage, who, pretending a duty due for such worsted stuffs, obtained a Decree in the Exchequer in the late reign, by virtue whereof they compelled the payment of a duty in a manner extremely grievous to all dealers therein, which has occasioned divers complaints to Parliament. In the first Session of the last Parliament a Committee, to whom the Norwich Weavers' Petition was referred, resolved that Norwich Worsted Stuffs were not liable to Aulnage, and that the collecting

* The words in italics are later additions in another hand.

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such duty was a great oppression and illegal, and the House, on their report, ordered leave to be given to bring in a Bill to regulate the abuses of the Aulnage in general. The Aulnagers thereupon ceased to collect the duty for about 12 months, but afterwards, in the interval of Parliament, they again demanded a duty, and soon after made several seizures, at the waggons in London, of Petitioners' stuffs to a very considerable value. The duty claimed is not 5*s.* for 100*l.* worth, and though Petitioners have offered to pay whatever they demanded, and are still ready to pay any reasonable fine, the farmers refuse to deliver the stuffs, pretending they are forfeited, although before and since the seizure they have delivered great quantities of stuffs of the same qualities to others on the payment of small fines. Pray for relief against these proceedings. *Signed* by the above named and also by Randolph Bolton, Nath. Beale, Nicho. Chamberlin, Thomas Garrod, and Cowy Chamberlin. John Mottram signs for William Stretton. *Endorsed* as read this day. [MS. Min. No entry in L. J.]

(*d.*) 19 Feb. Account of the clear yearly value of the duties of subsidy and Aulnage on Woollen Manufactures, by a medium taken of three years, viz., 1686, 1687, and 1688.

	£	*s.*	*d.*	The Goods for which the Duty is payable.
Berks	130	0	0	Broad Cloths, Kersies and Serges.
Bucks	30	0	0	Kersies.
Devon	1,500	0	0	Broad Cloths, Bayes and Serges.
Dorset	120	0	0	Broad Cloths, Kersies and Dozens.
Derby	20	0	0	Broad Cloths.
Essex	700	0	0	Broad Cloths, Bays and Perpetuanoes.
Gloucester	600	0	0	Broad Cloths.
Hants	160	0	0	Kersies and Serges.
Kent	30	0	0	Broad Cloths and Kersies.
Leicester	20	0	0	Broad Cloths.
London and Middlesex	250	0	0	Ingrained Cloths, Crapes, Camblets, &c.
Norfolk	400	0	0	Stuffs.
Northampton	30	0	0	Broad Cloths and Serges.
Nottingham	20	0	0	Broad Cloths.
Oxford	35	0	0	Broad Cloths.
Somerset	800	0	0	Broad Cloths and Serges.
Suffolk	250	0	0	Broad Cloths and Says.
Salop and North Wales	120	0	0	Cottons, Flannels and Friezes.
South Wales	25	0	0	Cottons, Flannels and Friezes.
Stafford	20	0	0	Broad Cloths.
Warwick	30	0	0	Broad Cloths.
Worcester	150	0	0	Broad Cloths and Kidderminster Stuffs.
Wilts	300	0	0	Broad Cloths and Serges.
Westmoreland	10	0	0	Broad Cloths.
York and Lancaster	1,600	0	0	Broad Cloths, Kersies and Bayes.
£	7,350	0	0	

[*See* Notes above under date.]

(*e.*) 19 Feb. Printed table of the Subsidy and Aulnage due and payable upon the several Manufactures hereafter mentioned, viz. :—

	d.
Cloths cont. (*torn*) yards -	4½
Half Cloth - - - -	2¼
Cloths cont. 3 yards above the Half Cloth - - - -	4½
Long Cloth from 28 to 36 yards - - - - -	5
Long Cloth from 36 to 44 yards - - - - -	6
Long and Short Cloths of Worcester, each - - -	6
Cloth Rashes - - - -	3
Long Cottons - - -	6
Short Cottons - - -	3
Long Kersies - - - -	3
Short Kersies - - -	2
Colchester Bayes - - -	3
Long Bayes of Bocking, &c. -	6
Short Bayes of Bocking, &c. -	3½

	d.
Bayes of Barnstaple - -	2
Flannel double - - -	2
Flannel single - - -	1
Kidderminsters, double - -	2
Kidderminsters, single - -	1
Petticoats, each dozen - -	1
Long Lyncies - - -	2
Short Lyncies - - -	1
Perpetuanoes, Sayes, Serges, and Shalloons - - -	1½
Camblets, Chenyes, Rugs, broad Norwich Stuffs, Crapes exceeding 8 lb. weight - - - -	1
Narrow Norwich Stuffs - -	0½
Crapes under 8 lb. weight -	0¾
Stockings, for every 64 lb. weight - - - -	4½

And so proportionably for a greater or lesser weight.

[*See* Notes above under date.]

(*f.*) 19 Feb. Acquittances as follows: (5 papers). [*See* Notes above under date] :—

(*f*[1].) Receipt for 10*s.* from Phillip Browne for the duty of subsidy, per agreement, for one year ending 24 June last. *Dated* 11 October 1683. *Signed* per Paul Canham.

(*f*[2].) Receipt for 4*s.* 9*d.* from John Astin for the duty and subsidy of Aulnage for the year and a half last past. *Dated* 26 March 1686. *Signed* Henry Mouncke, Deputy Aulnager. *Endorsed* Mr. Durbain, Draper, Back side, St. Clement. Mr. Smith, Cloth Fair.

(*f*[3].) Receipt for 5*s.* from Mr. Elias Norgate for the duty of subsidy, per agreement, for one year ending 25 December last. *Dated* 4 Jan. 1687. *Signed* per me Paul Canham.

(*f*[4].) Receipt for 2*s.* 6*d.* from Mr. George Bubb, of Stroud, Mercer, being duty for stockings for year ended Michaelmas last, according to a former composition made with him. *Dated* 11 October 1687. *Signed* per me Rich. Yate.

(*f*[5].) Printed form as follows: "These are to certify all Deputy-Aulnagers and others concerned in collecting the duties of Subsidy and Aulnage, that I, Henry Mouncke, Collector of the said Duties in the County of Middlesex and London, have agreed with Mr. Dounes of the same, Hosier, 6*s.* for the said duties due on stockings, caps, socks, waistcoats or other knit-work made of wool, or part of wool, for one whole year ended the 25th day of December 1688, except only such as are sent by him from any part of the kingdom of England, &c. to the City of London. Witness my hand the 12th day of February 1688–9." *Signed* Henry Mouncke.

(*g.*) Printed paper as follows: "These are to give notice to all workers of Crapes, Druggets, Camblets, Hair-Shags (of which the ground is woollen) or any other Manufacture made of wool, or part of wool, within the cities of London and Westminster, the County of Middlesex, or Borough of Southwark; That there

is a convenient place appointed by the farmers of the Aulnage in Talbot Court, between Gracechurch St. and Little East-Cheap, where a person is and will always be ready to seal such goods as are brought thither, there being no other place appointed for sealing the same; and all such makers are required to bring their said goods to be sealed accordingly at the aforesaid place, from and after Monday next, being the 22nd of this instant. Aulnage Office in Broad Street, Jan. 19, 1682.

534. Jan. 22. Dennis *v.* Scudamore.—Petition and Appeal of Mary Dennis, Widow and Executrix of John Dennis, Esq., deceased. In 1671 George and Milborne Scudamore, as Executors of Lucy Milborne, deceased, brought a Bill in Chancery against Appellant for an account of the moneys raised by the sale of some woods in Monmouthshire, which had been granted to Appellant's late husband by Lucy's father, in trust to raise portions for his children. Appellant, a stranger to the matter, found that not enough had been received to pay the children 200*l.* apiece, but nevertheless, out of kindness, made up that sum to each of them except Lucy, then an infant, whose share also, for the sake of quietness, she afterwards offered to pay. Lucy's Executors, however, not being contented, brought the cause to a hearing, and the Court on 1 July 1678 directed an account, and Appellant, being informed by her solicitor that the Master had reported 145*l.* to be due, gave him that sum for him to pay to Respondents, and expected to hear no more of the matter. Ten years afterwards, however, Respondents obtained an Order of the Court for her to pay the 200*l.*, according to her former offer. This order was subsequently discharged, and another account was directed to be taken. Sir John Hoskyns on 17 March 1690 made an *ex parte* report, charging Appellant with 583*l.*, but certifying that he had not made her any allowances. On 25 May 1691 the Court referred this report back to the Master, who certified on 11 July that Respondents had not evidence to support the report nor Appellant evidence to prove her discharge, but that Appellant prayed a Commission to examine her witnesses in the country. On 28 July the Court ordered Appellant to pay 150*l.* within a week, and directed a further account and Commission to examine witnesses. Appellant brought the 150*l.* into Court, and although she was not limited by this last order to any time for procuring the further report, yet by orders of 28 Nov. and 9 Dec. 1691 the Court confirmed the report of Sir John Hoskyns of March 1690, and ordered the 150*l.* to be paid out of Court to Respondents, with leave to enrol the decree. Appeals from the said decree and proceedings, no allowance having been directed for Appellant's costs. Prays their Lordships to hear the whole matter. *Signed* by Appellant; *Countersigned* by Tho. Trevor and Rich. Holford. L. J., XV. 44. [The Appeal never came to a hearing.]

Annexed:—

(*a.*) 5 Feb. Answer of George Scudamore, Respondent, surviving Executor of Lucy Milborne. Appellant's late husband was made a trustee by Lucy Milborne's father, John Milborne, to receive the profits of his woods for 14 years, or to sell the same and distribute the money equally among his children on reaching the age of 21. Great sums were raised, but the trust was not performed, and John Dennis died with all the moneys in his hands, and the children unprovided for. Respondent and his co-executor refused to accept Appellant's offer of 200*l.*, knowing there was much more come to her late husband's hands. Appellant used every artifice to evade an account, and long

delayed the cause, but the executors at length obtained a report for 583*l.* Appellant is only tenant for life and is almost 100 years old. Lucy Milborne has only received 150*l.* of the 200*l.* confessed to be due. Prays that the Appeal may be dismissed with costs, or at least not heard until Appellant has paid the remaining 50*l.* acknowledged to be in her hands. *Signed* by Respondent. *Endorsed* as brought in this day.

535. Jan. 22. E. Rochester *v.* L. Grey. (Privilege.)—Petition of Lawrence, Earl of Rochester. In Michaelmas term, 36 Chas. II., L. Grey was outlawed for high treason. Afterwards, his Lordship, having obtained favour with the late King James II. to get the outlawry reversed, covenanted on 5 June, 2 Jac. II., by articles between King James, himself and his brother Ralph Grey, within 20 days after the outlawry should be reversed, to convey to Petitioner, Sir John Ernle and Sir Robert Sawyer and their heirs, the manors of East and West Chiveington and other lands in the county of Northumberland, being his fee simple estate, in trust to demise the same to the said L. Grey and his brother for five years, to commence from the Feast of St. John Baptist then next ensuing, at a peppercorn rent, and after the said five years, to stand seized of the reversion and inheritance in trust for the King, his heirs and successors. L. Grey and his brother also covenanted within the said 20 days to demise to the trustees other manors and lands in the counties of Northumberland, Durham, Essex and Sussex, being his entailed estate, for 99 years, to the intent they should redemise the same to L. Grey and Ralph Grey for 98 years at a peppercorn rent, on express trust and condition that they should within one year discharge what remained unpaid of the sum of 16,000*l.*, which by a lease made of all or part of the said estate by the said late King Charles for 21 years, was to be raised and paid, as his Majesty should appoint, and likewise should free and discharge the manors and lands agreed to be conveyed to the trustees and their heirs from the jointure of the Lady Grey and 100*l.* a year granted to Mr. Ireton, and also within five years to pay off and discharge the debts and incumbrances mentioned in a Schedule annexed to those articles (which amount to 10,500*l.*), and all other incumbrances of the said Lord Grey or his father, so as the said manors and lands intended to be conveyed in fee simple might be held and enjoyed absolutely discharged thereof. According to those Articles, in Trinity term 2 Jac. II. the outlawry was reversed, and on 21 June 2 Jac. II. L. Grey by deed enrolled in Chancery, in pursuance of the said Articles, conveyed the fee simple estate to Petitioner, Sir John Ernle, and Sir Robert Sawyer and their heirs, in trust to make the lease for 5 years, and after the expiration of the said term, to stand seized of the reversion and inheritance for the late King, his heirs and successors. On 22 June, 2 Jac. II. the lease for 5 years was made, according to the trust. On 21 June, 2 Jac. II. the demise was made of the entailed estate by L. Grey and his brother to the trustees for 99 years. On 22 June, 2 Jac. II. the redemise was made to L. Grey and his brother of that estate for 98 years, upon the trust and condition mentioned in the Articles. On 4 Jan., 2 Jac. II. the King, by Letters Patent under the Great Seal, granted the fee simple estate to Petitioner and his heirs, and directed Sir John Ernle and Sir Robert Sawyer to release and convey the same accordingly. On 1 and 2 March, 3 Jac. II. Sir John Ernle and Sir Robert Sawyer, by lease and release, granted and released the said manors and premises, and all their estate and interest therein, to Petitioner and his heirs. There remains about the sum of 1,763*l.* still unpaid of the 16,000*l.* charged by the late King

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Charles on the entailed estate of L. Grey, which entailed estate was redemised to L. Grey and Ralph Grey upon express trust and condition to discharge what remained unpaid of that sum within one year; and all the incumbrances remain still undischarged, and the lease of the fee simple estate for 5 years expired on 24 June 1691, but Petitioner is not admitted to the possession of the said estate. Prays their Lordships to take the whole matter into their consideration; and having weighed all the circumstances thereof, as likewise that, of late, Parliaments have sat every year, and when they have not sat, have been continued on by short adjournments and prorogations, so that Privilege has never been out for these three years last past, and probably may so continue for a long time yet to come, at least during the war. Petitioner hopes that it will not be unreasonable in him to pray that L. Grey's privilege may not always be a bar to Petitioner's claim, but that their Lordships will be pleased to make such order herein, that Petitioner in some convenient time, at such distance from hence as their Lordships shall think fit to prescribe, may have leave to try his title at law with L. Grey to the points above mentioned. *Signed* Rochester. L. J., XV. 44. [This Petition was referred to the Committee for Privileges, to inspect precedents of Privilege being disallowed to Peers. The Committee, after considering precedents on 3 Feb. (Priv. Book), reported them on the 6th (L. J., XV. 65. *In extenso*), when after debate, and several things proposed, the House went on with the business of the day, the D. Norfolk's Divorce Bill. (MS. Min., L. J., XV. 65.).]

Annexed:—

(*a*.) 2 Feb. Answer of Ford, Lord Grey. Respondent, it is true, was outlawed for treason upon an indictment, wherein the overt act assigned was for designing to seize the King's Guards, the same for which Lord Russell was indicted and put to death. Thereupon the King granted all his lands in Northumberland, Durham, Essex, Sussex and Middlesex to Richard Graham, Phillip Burton and William Shaw, a servant of Petitioner, for 21 years, for raising 16,000*l*. for Petitioner. In July 1685, Respondent being committed to the Tower, Petitioner sent in haste to his agents in Northumberland, to cut down Respondent's timber, which was done in August, being an unseasonable time, and though 3,600 young oaks were then cut down, and 800*l*. was offered for the bark, if Petitioner would have let them stand till the season of the year, it was so managed, that by the account brought in by Graham and Burton, the money raised by the wood did not pay the charge of felling it. Though Respondent was committed in July 1685, yet, the record of his outlawry being removed into the King's Bench, no rule for execution could be made thereupon till Michaelmas term. In the meantime, L. Lumley (now E. Scarborough) interceding to King James for Respondent's life, it was not opposed at Court, for that by keeping Respondent alive, the 16,000*l*., which was given to Petitioner, would be received, which on Respondent's death would have been lost. In Michaelmas term following, Graham came to Respondent in the Tower and brought a warrant for his pardon, but together with it, he brought an Indenture (never heard of before) ready engrossed on parchment, between King James and Respondent, being covenants that he should from time to time, at the command of the King, his heirs and successors, convey and assure all his estate whatsoever, as by the Attorney-General should be advised. Respondent was

not in a condition to dispute the sealing of it, but did so, and afterwards his pardon was suffered to pass, and he was set at liberty that term. But his pardon could not restore him to his estate or honour, unless his outlawry were reversed. Whereupon he applied again to the King by L. Lumley that his outlawry might be reversed, which the King was pleased freely to promise, and soon after bade Respondent bring Graham to him, which he did, and the King, in his hearing, ordered Graham and Burton, both being present, to get Respondent's outlawry speedily reversed. But still it was delayed for several months, and, notwithstanding the King's promise and express order from his own mouth, in pursuance of that promise, to both Graham and Burton, yet the King was prevailed upon not to suffer the outlawry to be reversed, until Respondent had first treated with Graham and Burton about conveying to the King all Respondent's fee simple lands, which were 1,640*l.* per annum, and to this, therefore, Respondent was forced to consent. Graham then demanded, further, that these lands must be freed from all incumbrances, which were a jointure of 600*l.* a year, an annuity of 100*l.* a year, and above 10,000*l.* debts, and Respondent must likewise prevail with his brother, Mr. Ralph Grey (to whom the entailed estate, which was 7,000*l.* a year, was to come in remainder) to charge himself and all that estate to discharge the 1,640*l.* a year from all those incumbrances, and to pay off the remainder of the 16,000*l.*, and to enter into covenants and a bond of 140,000*l.* penalty for the performance, so that nothing would serve but the drawing in Mr. Grey (who had not any way offended the Government) into all those hardships; and Mr. Grey was so kind to Respondent as to comply with it. Two of the incumbrances (the jointure and the annuity) it was not only hard, but impossible for Respondent and his brother to discharge, for when all the fee simple lands were to be conveyed away (the rest being entailed), they had no means left in the world to do it, and they were thus compelled to seal all such conveyances as Graham and Burton prepared, and by these means were all the deeds obtained, under which Petitioner can pretend any title to Respondent's estate. Respondent submits to their Lordships, whether, after 16,452*l.* 14*s.* 2*d.* received in ready money of the rents of Respondent's lands, as appears by the account delivered in by Graham, Burton and Shaw, and after 1,000*l.* more paid since by Respondent himself, besides such unseasonable, voluntary and unaccountable waste in cutting down above 3,600 young oaks in a country where timber is very scarce, their Lordships shall think this case deserves such extraordinary favour, that on purpose for the sake of this case, and to help Petitioner to take away 1,640*l.* a year from Respondent, being all the lands of inheritance which he has to pay his debts and to provide for his family (the rest being entailed), their Lordships should make an order to set aside the privilege of Peerage, which is part of the Law of England. *Signed* Grey. L. J., XV. 60.

536. Jan. 25. Interest of Money (Reduction) Bill.—Commons' Engrossment of an Act for lessening the interest of Money.

Clause 1. "Forasmuch as the abatement of interest from ten in the hundred in former times hath been found by notable experience beneficial to the advancement of trade and improvement of lands by good husbandry, with many other considerable advantages to this nation, especially the reducing of it to a nearer pro-

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portion with foreign States with whom we traffic; And whereas the abatement of interest from eight to six in the hundred hath found the like success, to the general contentment of this nation, as is visible by several improvements; And whereas it appears by daily observation, that in all parts of the world, where interest is lowest, there trade flourisheth most: Be it, for the reasons aforesaid, enacted by." The rest agrees with Section i. of the Act of 1713 (13 Anne, c. 15. Fol. Ed.), except in reading 25 March 1692 for 29 September 1714.

Clause 2 agrees with Sect. ii. of the Act, except in reading ("banker and bankers") after ("Scriveners"), giving the date as above, and omitting the words ("over and above the Stamp Duties") and the words ("with costs of suit"), besides three other unimportant variations.

Clause 3. "Provided always and be it enacted by the authority aforesaid, that nothing in this Act shall extend or be construed to extend to any person or persons who shall lend to their Majesties any sum or sums of money."

Parchment Collection. [Brought from the Commons this day; read 1ª 28 Jan. (L. J., XV. 49, 53). There is no record in Com. Book of any proceedings of the Select Committee, to whom the Bill was referred on 1 Feb. (*ib.* 56), and it dropped with the Session, after a Message from the Commons on 17 Feb. to remind the Lords of the Bill. (*Ib.* 81.)]

537. Jan. 25. King's Bench Court (Malicious Informations, &c.) Bill.—Commons' Engrossment of an Act for the better preventing malicious Informations and for the more easy reversal of Outlawries in the Court of King's Bench. With a few purely verbal differences, the Bill is identical with the Act of 1692 (4 W. & M. c. 18. Fol. Ed.), except in the following passages, where the Act omits the words in square brackets, and adds those in italics:—

Sect. i. of Act:—
Line 9. . . . of the persons outlawed [in the said Court], so that . . .
„ 13. . . . after the [twelfth] *first* day of [February] *Easter term which shall be* in the year of our Lord one thousand, six hundred and ninety [one] *three* * . . .
„ 15. . . . shall not *without express order to be given by the said Court in open Court* exhibit . . .
„ 17. . . . persons [prosecuting] *procuring* such information . . .
„ 18. . . . abode, title, [trade] or profession . . .
„ 32. . . . costs, *unless the Judge, before whom such Information shall be tried, shall at the trial of such Information in open Court, certify upon Record that there was a reasonable cause for exhibiting such Information;* and in case . . .
„ 34. . . . within [one month] *three months next* after . . .

Sect. iii.:—
Line 9. . . . sufficient [security] *surety* or [securities] *sureties* . . .

Sect. v. is wanting in the Bill.

Sect. vi.:—
Line 4. . . . within [six] *five* months . . .

The Bill concludes with the following Clause, not in the Act, viz.:—

Clause 6. And be it further enacted by the authority aforesaid, that if the Clerk of the Crown of the said Court of King's Bench for the time being shall at any time after the said twelfth day of February exhibit, receive or file any Information for any the Causes aforesaid, before he shall have taken or received such Recognizance as by this Act is directed, he shall forfeit and pay to the person or persons so informed against one hundred pounds, to be recovered by such person or persons by Bill, Plaint or Information in any of their Majesties' Courts of Record at Westminster, wherein no privilege, protection or wager of law shall be admitted, nor any more than one Imparlance.

Parchment Collection. [Brought from the Commons this day; read 1ª 13 Feb. (L. J., XV. 49, 74). The Select Committee on the Bill (*ib.*

* This variation of date occurs throughout the Bill.

76) met on 17 Feb., M. Halifax in the Chair, and on 19 and 20 Feb., L. Cornwallis in the Chair, but in each case apparently only to adjourn, the adjournment on 20 Feb. being till the 22nd (Com. Book). Nothing further recorded. The Commons sent a Message on 20 Feb. to remind the Lords of the Bill (L. J., XV. 85), which dropped, however, with the Session.]

538. Jan. 27. Bishop of St. David's (Privilege).—Petition of several gentlemen signing on behalf of their country. Dr. Thomas Watson, the present Bishop of St. David's, who has been excepted and exempted from pardon out of the late Act of Pardon and Indemnity, has declared in the presence of several persons that he esteems the same as a great honour. His Lordship has since been presented by the Grand Jury for the body of the county of Brecon within his Lordship's diocese at the last Great Sessions held in and for the county upon full evidence to be guilty of extortion for taking excessive fees for a collation of Mr. Jer. Griffith to the vicarage and prebend of Clans and Freed in the diocese of St. David's, and others within the said diocese will be proved against him. His Lordship has also committed divers crimes and misdemeanours against the law, besides acts of oppression and covetousness, not becoming his function or dignity, to the great prejudice and ill example of the clergy of his diocese. Pray for leave to prosecute his Lordship, in spite of his privilege. *Signed* by Richard Rudd, of Aberglaseney, M.P. for the County of Carmarthen; John Lewis, of Coldmaur, in Cardiganshire; John Vaughan, of Place Gwynne; William Brigstock, of Llachdunny, in Carmarthenshire; P. Powell, of Castle Madock; and William Williams, of the Battle, in Brecknockshire.* [The Petition being read this day, the House ordered the Bishop to have a copy and put in his answer. *The Bishop* was heard, and declared that as to the extortion he would not stand on his privilege. (L. J., XV. 52. MS. Min.).]

Annexed:—

(*a*) 5 Feb. Answer of Dr. Thomas Watson, Lord Bishop of St. David's. Denies and protests against the truth of the matters contained in the Petition. He acquiesced with all humble submission in the wisdom of Parliament, and always thought it a great misfortune to be excepted from the Act, but not being conscious that he had done anything which merited that exception, he hopes it will always appear, notwithstanding the malice of some persons' prejudice against him, that he had no more pretence or need of pardon or the benefit of that Act than many others not excepted, and is confident he never declared what is falsely charged, or anything like it, unless his owning a most grateful and just sense of the favour and honour many noble Lords did him upon that occasion by mistake or malice be misinterpreted. He utterly denies he is guilty of any extortion whatsoever, and doubts not that he shall justify himself against that malicious accusation in a proper course of law. The charge in the last part of the Petition is not only false and scandalous, but so general that it is impossible to answer in defence, because no particulars are given as to person, time or place. The Petition was subscribed or pretended to be subscribed by persons, some of whom were not in town when it was altered or amended, or supposed to be delivered. He neither has nor had acquaintance

* The Subscribers to the Petition were ordered first to add their designations (L. J., XV. 57), and afterwards to attend and certify their signatures (*ib.* 66.)

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or dealings with any of them, or knows the face of some of them, who therefore cannot be supposed privy or knowing the matters objected to be true. No oath was made by them or any other of the matters in the Petition before presenting it, which he conceives is very irregular, and the method of getting hands to Petitions of that nature is of dangerous consequence, and may blast the reputation of the most innocent, without any warrant or colour of law. He never insisted on Privilege in any particular mentioned in the Petition, nor does he insist on it, and as he would not be devested and so delivered to the will of his enemies, he solemnly promises never to insist on his Privilege but with submission to their Lordships. *Endorsed* as brought in this day. *Signed* Tho. Menev.

539. Jan. 27. Accounts Commissioners' Bill.—Result of Ballot for Commissioners under the Bill. The following are the names and numbers of votes :—

Alexander Davenant -	36	John Farthing - -	9
Mr. Hampden, Junr. -	39	Sir William Russell -	1
Sir Cyril Wych - -	35	Mr. William Bridges -	1
Sir Benjamin Bathurst -	4	Sir John Houblon -	2
John Wildman - -	11	Mr. Walter Coventry -	2
Abraham Houblon* -	2	Mr. Thomas Dear -	3
Sir Thomas Meres - -	2	Sir Gabriel Roberts -	3
Sir Elias Harvey -	22	Duke Williams - -	6
John Mitford - -	34	Albean Chaire - -	5
Thomas Shales - -	1	George Greenvill -	1
Thomas Colson - -	10	John Harvey - -	1
William Dockery -	1	Henry Pagett - -	1
Sir Philip Meadows -	39	James Farrington -	1
John Hoskins, Esq. -	10	Thomas Munne - -	3
James Houblon - -	7	Sir Peter Vandeput -	1
Sir Peter Paravicini -	1	John Walker - -	6
Sir John Champante -	29	Sir John Mitford -	1
Mr. Henry Griffith -	1	Mordecai Abbott -	1
Sir Henry Furnace -	3	John Brockett - -	1
John Shales - -	2	Dr. Danvers - -	1
Mr. Heriott - -	1	Michael Godfry - -	1

Endorsed as reported this day. [The Bill intitled "An additional Act for appointing and enabling Commissioners to examine, take and state the public Accounts of the Kingdom," was brought from the Commons on 19 Jan. (L. J. XV., 37.) In Committee of the whole House on 20 Jan., L. Cornwallis in the Chair, after agreeing to the Title and Preamble and reading the Clauses to the middle of Press 5,† progress was reported. (MS. Min., L. J., XV. 39.) On 23 Jan. House again in Committee, L. Cornwallis in the Chair.

First enacting Clause postponed.

Next Clause read as to the quorum. Postponed, and the Clause passed.

Next Clause agreed.

The other Clauses read and agreed to the end of the Bill.

Postponed Clause (1) read as to the number of Commissioners or adding others. *Moved* that there should be an addition of 4 Commis-

* Wrongly spelt "Hubland" here and elsewhere in the List.

† The Bill itself is not among the records, having been delivered to the Commons at the last Free Conference on 10 Feb. (L. J. XV. 70.)

sioners to the Bill, the Commissioners not to be of the House of Commons. *Agreed to.* *Agreed* that on the 25th every Lord do bring a paper of names for a Ballotting Box, and 6 to be the Quorum throughout the Bill.

House resumed. *L. Cornwallis* reported as in L. J., XV. 45. *Ordered* accordingly. (*Ib.* MS. Min.).—On 26 Jan. Select Committee appointed to examine the Ballot. (MS. Min., L. J., XV. 50. No proceedings in Com. Book.)—On 27 Jan. *L. Cornwallis* reported from the Select Committee that the greatest number had fallen on (1) Sir Cyril Wych, 35 ; (2) Sir Philip Meadows, 39; (3) Mr. Hampden, 39 ; (4) Mr. Davenant, 36; and that if Mr. John Mitford, who has 34 votes, is the same as Sir John Mitford, who has 1, then the ballots are equal between Sir Cyril Wych and Mr. Mitford. *Agreed* that Sir Cyril Wych be a Commissioner, and that the 4 Commissioners before-mentioned be added as an amendment to the Bill. *Moved* to re-commit the Bill, and that one Clause in Press 6 may be amended in order to explain that Clause. After debate, *Question* put: Whether the Clause that has been read shall be amended, in order to the explanation of it? Resolved in the *Negative.* Contents, 26 (including 7 Proxies); Not-Contents, 26 (including 3 Proxies). Tellers, L. Cornwallis and L. Godolphin. *Semper presumitur pro Negante.* (MS. Min., L. J., XV. 52.)—The Commons having disagreed to the Lords' Amendments, with Reasons reported from a Conference on 1 Feb. (L. J., XV. 57, *In extenso*), the Lords, the next day, negatived, without a division, but with a Protest, the question for agreeing with the Commons (MS. Min., L. J., XV. 59), and gave Reasons (L. J., XV. 62) at another Conference. A Free Conference being had and reported (*ib.* 63), after an adjourned debate on the report on Feb. 9, it was *Moved* that the Lords should adhere to their amendments. After debate, *Question* put: Whether this House shall agree with the House of Commons? Resolved in the *Negative.* Contents, 24; Not-Contents, 33. Tellers, E. Pembroke and E. Bridgewater. Then, after further debate, *Question* put: Whether this House will adhere to their amendments? Resolved in the *Affirmative.* Contents, 32; Not-Contents, 21. Tellers, E. Westmoreland and E. Clare. (MS. Min., L. J., XV. 68.)* After another Free Conference on 10 Feb. (MS. Min., L. J., XV. 70), the Bill dropped.]

540. Jan 27. Birmingham Free School Bill.—Draft of an Act for the better regulating and settling the Free School of Birmingham, in the county of Warwick and the revenues thereof. The Preamble recites as follows: "Whereas King Edward VI. by his Letters Patent, bearing date at Westminster the 2nd day of January in the fifth year of his reign, founded a free Grammar School in Birmingham, in the County of Warwick, by the name of the Free Grammar School of King Edward VI., for the education, institution and instruction of boys and youths in grammar, with one schoolmaster and one usher, to endure for ever, and endowed the said School with divers houses, lands, tenements and hereditaments then of the yearly value of 21*l.*, and appointed twenty inhabitants of the town, parish, and lordship of Birmingham aforesaid (whom he incorporated for that purpose) and their successors, to be Governors of the possessions, revenues and goods of the said School ; since which time the number of inhabitants of the said town, parish and lordship of Birmingham is so much increased, that

* Luttrell, under date, has the following : "The Lords divided on the Bill for the public accounts: 33 were for adhering, and 24 not, which in all probability will lose the Bill."

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there is occasion for more masters to be added to the said School, and the revenues of the said School are so much improved, as to be sufficient to maintain more masters, but cannot be applied to such purposes, because they are wholly appropriated by the said Letters Patent to the maintenance of the said schoolmaster and usher; *and since the said School was erected and founded at the request of the neighbouring gentry and for the convenience of the education of their children as well as for the benefit of the town of Birmingham; For the better regulating therefore and settling* * the said Royal Charity for the future, and for preserving the same from any misemployment." The Bill enacts as follows: The School shall have one schoolmaster and one usher, for the instruction of boys and youths in grammar, and in Greek and Latin, and one master for teaching English, and one for teaching writing and accounts. The grammar master shall be at least a Master of Arts, and the usher a Bachelor of Arts, of one of the Universities, and both of them shall be well learned and skilled in Latin, Greek, Geography and Chronology, and the English master and writing master shall be competently learned and skilled in grammar, and particularly in orthography; and all the masters shall be men of piety, gravity and sober conversation. And for the better government of the School and its revenues, and for quieting and preventing the many disputes that have already happened, and are otherwise very likely to arise, concerning the election of the Governors, the Bill enacts that the Governors shall from henceforth be elected as well out of the nobility, gentry and clergy dwelling within ten miles of Birmingham, as out of the inhabitants of the town, parish and lordship of Birmingham, and that (*blank*), being persons of that description, shall be Governors for life and execute all the powers granted by the Letters Patent, and purchase and possess any lands, tenements, &c. to them and their successors, not exceeding the yearly value of 200*l.*, over and above the lands, tenements, &c. granted to the School or any Governors thereof, and receive and enjoy any sum or sums not exceeding 2,000*l.* The Governors shall choose one of their number as President, who shall hold office for three years, and have power to call or dissolve any meetings of the Governors. (*Blank*) Governors, besides the President, shall constitute a quorum, the majority to decide, and in case the numbers are equal, the President to have a casting vote. In case of the death, resignation or removal beyond 10 miles from Birmingham, of any President or Governor, and after the President has served three years, the Governors shall choose a President out of their own body, and shall also elect a new Governor or Governors, properly qualified, the President to hold office for three years and the Governors for life. The Governors shall, as often as they shall see fit, or there shall be a vacancy, appoint a schoolmaster, usher, English master and writing master at such salary as they shall think fit; and shall make rules for their government, and for disposing of the revenues; and shall have sole power of visiting the School, reforming abuses and suspending masters; any differences between them and the masters to be determined finally by the President. All the property belonging to the School is vested in the Governors, upon trust to apply the same in the first place to the maintenance and salaries of the masters and usher, the surplus, if any, to be expended in

* The words in italics are substituted for the following: "And since inconveniences have been found to arise from limiting the government of the said School to the inhabitants of the town, parish and lordship of Birmingham, exclusive of the neighbouring gentry, upon whose Petition and for whose benefit, as well as of the said inhabitants of Birmingham, the said School was first founded; for remedy whereof, and for the better regulating and settling."

building and repairing the School-house and dwelling-house for the masters and usher, and for maintaining one or more assistant or assistants, and in furnishing the library lately erected, and in raising a stock for any other emergent occasions and pious and charitable uses tending to the promotion of learning. And for the better enabling the Governors to receive and apply the rents and revenues now belonging to the School to the said uses, the Governors shall enjoy all and the same advantages against any lessees of the School lands, by entry, for nonpayment of rent reserved, on any leases made by former Governors, or for waste or other forfeiture, and all and the same benefit and remedy by action for not performing any other conditions, &c. contained in the leases, as the Governors who made the leases might have had; and the Governors constituted by this Act shall not be obliged to set forth the special matter in any suit to be commenced for or by reason of such entry, conditions, &c., but shall plead as if such leases had been made by themselves, and give this Act in evidence. Provided that (*blank*) shall be the first President, and shall continue in office three years from (*blank*), and that the President and Governors appointed by this Act and their successors shall, before entering on office, take an oath in Chancery not to take any undue advantage of their office but faithfully to administer their trust. The Act ends with the usual saving clause. [Read 1ª this day. House *Moved* to reject the Bill. After debate,* *Moved* to hear both sides at the Bar as to the mismanagement of the Governors. Then, on *Question*, it was ordered to hear Counsel on 10 Feb., before the second reading. (L. J., XV. 51; MS. Min.) This Order was set aside on 6. Feb., when the Bill was, on motion, withdrawn. (L. J., XV. 65; MS. Min.) The MS. Min. of 19 Feb. contains this entry: "A Petition of the Old Governors of the Free Grammar School" (*sic*).]

541. Feb. 1. Writ of Summons (Bp. of Lincoln).—Writ of Summons to Thomas [Tenison] Bishop of Lincoln. *Dated* 28 Jan. 1691–2. [Took the Oaths this day. L. J., XV. 56.]

542. Feb. 1. Quakers' Evidence Bill.—Amended† draft of an Act to impower the High Court of Chancery and the Court of Exchequer to accept of the solemn answer or evidence of any of the people called Quakers. [Whereas it is evident that there are several of their Majesties' subjects, commonly called Quakers, who being summoned in due course of law to give answer or evidence upon their corporal oaths in the several causes depending in their Majesties' Courts of Chancery and Exchequer, or before Commissioners or persons thereunto belonging, empowered to tender an oath, who find matters of scruple in those oaths; by means whereof the proceedings in the said Courts and before such Commissioners and other persons empowered, are often obstructed and the merits of the cause not searched out, so that the truth of the matters cannot legally be made appear, but suits and controversies are continued and prolonged to the great damage of their Majesties' subjects, For remedy whereof, and that justice may have its due course] *For the better proceeding in all causes other than criminal in the Courts of Chancery and Exchequer:* Be it enacted by the King and Queen's Most Excellent Majesties, by and with the advice and consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled, and by the authority of the same, That from and after the *twenty-fifth* day of *March*, one thousand, six hundred and

* This motion is expunged in MS. Min.

† The additions are shown by italics, and the omissions by square brackets.

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ninety-two, if any person or persons whatsoever, being subject or subjects of the Kingdom of England, Dominion of Wales, and town of Berwick-upon-Tweed, commonly called or reputed Quakers, who shall first produce a certificate under the hands and seals of six or more sufficient or credible men of the congregation or society unto which he, she or they do belong, [and] *owning him, her or them to be and* to have been [so owned and reputed] *of such Congregation* for twelve months before the date of such certificate, *and also shall produce one other certificate of his, her or their having made and subscribed the Declarations and profession of his, her or their Christian belief mentioned in the Act made in the first year of their Majesties' reign, intituled An Act for exempting their Majesties' Protestant subjects, dissenting from the Church of England, from the penalties of certain laws, And shall also make and subscribe the said Declarations in the respective Courts, where he, she or they shall give his, her or their answer or evidence before he, she or they be admitted thereunto,* shall be required to give answer or evidence, or to inform either the Courts aforesaid in any cause of the whole truth of the matter depending, to the best of his, her or their knowledge; That then he, she or they shall be required and admitted to repeat and subscribe his, her or their answer before a Master or Commissioner for that purpose in these words following: I, A.B. do sincerely and solemnly [in the fear of] *before* God *declare and* affirm that what is herein contained in answer to the Bill above mentioned that concerns myself is true. Or, in case of evidence, in these words: I, A.B. do sincerely and solemnly *declare and* affirm [in the fear of] *before* God, That what I shall give in evidence in the case depending, shall be the truth, the whole truth, and nothing but the truth to the best of my knowledge. And that such his, her or their solemn answer and evidence shall be taken and deemed to be of the same force and virtue, *in all causes other than criminal,* to all intents and purposes as if he, she or they had taken the oaths usually required.

And be it further enacted by the authority aforesaid, That if any such person or persons shall in his, her or their answer, denial or evidence, so solemnly made or given in either of the said Courts, wittingly or wilfully affirm or deny anything contrary to the truth, by his, her or their said answer, affirmation, denial or evidence so given as aforesaid, That in such case, he, she or they so offending shall be liable to be prosecuted and suffer as in cases of perjury, and being thereof duly convicted, shall undergo such pains and penalties as are by law provided against persons convicted of perjury. [Read 1ª this day, L. J., XV. 56. The Bill was considered and amended in C. W. H. on Feb. 10 and 12. (*Ib.* 70, 73.) On Feb. 12 it was *moved* that the Quakers shall not have the benefit of this Act before they take the Declaration in the Act of Toleration.* (MS. Min.) The Bill was rejected in the Commons on 22 Feb., after the question for committing it had been negatived by 103 to 73. (C. J., X. 682.) Compare the Lords' Bill of 15 Nov. 1690 (No. **328** in last Calendar), which evidently formed the groundwork of the above.]

543. Feb. 2. Cole *v.* L. Stawell and others.—Petition of John Cole, Esq. Petitioner, on his marriage in 1677 with Susanna, widow of George Gray, who left issue by her Christian, Margaret, and Jane, settled on her as jointure, with remainder to their sons in tail, an estate at Wichampton, Dorset, worth 300*l.* a year, subject to a mortgage to

* This motion is expunged in MS. Min.

Francis Tilney for 1,400*l.* Differences arising between them, in consequence of her endeavouring to conceal from him her personal estate, Ralph, father of the present L. Stawell, paid off the mortgage with her money, and, as alleged, with 160*l.* of his own, and took an assignment, without Petitioner's consent, conditioned for payment of 1,930*l.* Petitioner having brought a Bill in Chancery to redeem and account with L. Stawell, the L. Keeper North on 17 Nov. 1684 decreed accordingly, and ordered L. Stawell, on being paid what was due to him to assign to Petitioner, and on payment of the then other Defendants' two-thirds of their father's personal estate, fitting allowances being made, to deliver to him his bond of 3,000*l.* to L. Stawell. On 30 May, 1685, the Court, on Defendants' petition, ordered that the mortgage should not be assigned on payment of what was due only to L. Stawell, but should remain a security for the children, for the said two-thirds of their father's personal estate, which the Master reported to amount to 2,345*l.*, including interest from a year after their father's death and five years before Petitioner's marriage. Petitioner having taken exceptions as to interest, it was ordered that he should be charged with such interest only as was made and received before marriage, as to which, on special reference from the Master, the evidence of his wife was disallowed. Petitioner complaining that Defendants, being in possession of his estate, purposely delayed procuring a Report, the Court, on 18 Oct. 1688, ordered possession to be restored to him, on his tendering 343*l.* 8*s.* 0*d.* for L. Stawell's debt and 1,079*l.* for the children's, which order was enrolled on 26 Oct. 1688. This enrolment was set aside by the Lords Commissioners on 5 March 1690,* and the Master, on reference, reported interest due for the children from a year after their father's death, which report was confirmed by a Decree on 18 Jan. 1691. Appeals from the last two Decrees, because (1) the enrolling of the Orders of Oct. 1688 was regular and ought not to have been set aside without a Bill of Review; (2) Petitioner's estate, settled on his son, will be charged with more than 1,400*l.* and interest, which was the mortgage on it at the time of the settlement; (3) Petitioner's estate is charged with interest for five years before his marriage, though his wife was then only administratrix, and no proof of any interest made thereof, nor fitting allowances for the child; (4) no allowance is made to Petitioner for the profits received by L. Stawell out of his estate for the benefit of his children. Prays that the Decrees may be reversed, and that L. Stawell, as trustee, and Edward Topp, and Christian his wife, and Margaret and Jane Gray may be ordered to answer,† and proceedings meanwhile stayed. *Signed* by Appellant; *Countersigned* by Tho. Powys and R. Arnold. L. J., XV. 59. [The Appeal, after being revived in the name of L. Stawell's Executors (Annex (*d.*) below), was heard on 11 Jan. 1692–3. *Sir Thomas Powys* (for Appellant) opens the case. We have not all the parties. *Mr. Finch* (for L. Stawell): It is necessary to have the representative of John, L. Stawell before the House, and she is here, the Lady Stawell. The persons that have the interest in the mortgage money are all here. The quantum of the money is only before your Lordships, and the persons concerned are here. *Mr. Jennings* (for Appellant): We want a party, and an administrator is wanting. The Bill in Chancery read to show that there was an assignment. Counsel withdrew, and *the Speaker* stated the case as to proper parties or not. Counsel called in again, and the Speaker acquainted them, by order of the House, that the House would be satisfied, if the Will of

* 2 Vernon, 219, 296.

† "Service of Cole's Clerk in Chancery to be good service" (MS. Min. 19 Nov.)

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Ralph, L. Stawell be material, why you do not produce it? *Sir Thomas Powys:* We thought they would have produced the Will. We assert there has been no delay in this business. *Mr. Finch* and *Mr. Dobyns* are heard. Counsel withdrew again, and after debate concerning the supposed delay on the Appellant's side, the House was informed that the Will was in a Trustee's hands at the door. Counsel called in again. *Mr. John Hunt** (sworn), asked if that was a true copy of the Will. He says "Yes, and according to the Will we assigned all over." *Sir Thomas Powys* (for Appellant) went on to open the Cause. This was subject to the mortgage of Tilney for 1,500*l.* (States the Account and how it stands.) The Cause was heard on 17 Nov. 1684, and a reconveyance. In May 1685 a Petition referred to L. Keeper North. Upon the Petition, it was ordered that our land be subject to a new debt, without hearing. *Mr. Jennings* (for Appellant): Mrs. Cole upon the marriage was possessed of the estate. We entered into a bond of 3,000*l.* security to perform our part. It was heard upon the Master's Report, which they will say was made *ex parte*. We hope we ought to be relieved in this matter. (They read the Decree and what was done upon the Petition subsequent.) *Mr. Finch* (for L. Stawell): This is a strange case. Here in 1688 an Order is got behind our backs. Where he got it, I cannot imagine. They do not say when it was signed and enrolled. It was after the L. Jeffreys was absconded. They are not decreed to pay one penny interest before the Decree. Every farthing of the money was paid by the L. Stawell. *Mr. Dobyns* (for L. Stawell): Their own exception is only to 60*l.*, and that the children's money went to pay off Tilney, and we will read to this. (Depositions of Henry Backway, &c., read.) We have several other witnesses to prove several sums. *Sir Thomas Powys* and *Mr. Jennings* are heard in reply. Counsel withdrew and Speaker reported. Decree affirmed with 40*l.* costs. (MS. Min., L. J., XV. 179.)]

Annexed:—

(*a.*) 25 Feb. 1691-2. Answer of the Right Hon. John, Lord Stawell, Edward Topp, Esq., and Christian his wife, and Margaret and Jane Gray, Infants, by Lord Stawell their guardian. George Gray, late of Nether Stavey, co. Somerset, died intestate, leaving a considerable estate, which was administered by his widow, who put out her children's two-third parts to interest at 6 p.c. Appellant, her second husband, ill-treated her for refusing to let him take the daughters' two-thirds, but afterwards consented to give the late L. Stawell, their relative, a bond of 3,000*l.* not to meddle with the money, then amounting to 1,770*l.*, which he agreed should be called in and paid, together with 160*l.* of L. Stawell's own money, to redeem the 1,930*l.* due to Tilney, who should then assign the mortgage to L. Stawell, which was done accordingly in 1681. Appellant afterwards turned his wife and daughters out of doors, and has ever since lived separate, without maintaining them. The Decree of 30 May 1685 ordered that the account should be taken distinctly as to L. Stawell, and that the children's two-thirds should be secured on the mortgage, which, on payment of all, L. Stawell was to assign to Appellant. The enrolment of the Decree was obtained irregularly by Appellant, amidst the great consternation, when L. Chancellor Jeffreys was hard to be found. After the Government was again settled, Respondents moved the Lords Commissioners, who on 13 May 1689 ordered Master Keck to look into

* *Noted* in margin: A member of the House of Commons.

the proceedings as to the enrolment, but before his report was heard, the late L. Stawell died, and Respondent Christian married Edward Topp, whereby the proceedings abated. They were revived in 1690, when the Lords Commissioners, after a full hearing, discharged the Orders of 1688 and restored possession of the mortgaged premises to L. Stawell. Appellant absconding himself, Respondents obtained an injunction against him and his tenants, to put L. Stawell in possession, and a writ of assistance was afterwards issued to the sheriff for that purpose. Appellant's exceptions to the Master's report were overruled on 18 Jan. 1691, and the report absolutely confirmed. The mortgaged estate was never settled in jointure on Appellant's wife with such remainders in tail as are alleged, and if Appellant ever made such settlement, it was without his wife's consent, and cannot affect the mortgage. There never was any agreement to pay off the mortgage with the wife's own money, nor did she ever do so. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents; *Countersigned* by Wm. Coward. *Endorsed* as brought in this day.

(*b.*) 23 Nov. 1692. Petition of Appellant that the hearing may be postponed, his chief agent in managing the cause, John Jenkins, having gone to Ireland. L. J., XV. 123.

(*c.*) 22 Dec. 1692. Petition of Appellant. The Appeal has abated by the death of the Respondent L. Stawell, and the Decrees and Orders appealed from have to be revived below. Petitioner is advised that he had good cause of appeal against his Lordship, not only as trustee, but also in his own right, to which the Appeal did not extend, by reason of his Lordship's privilege. Prays for leave to amend his Appeal. L. J., XV. 162.

(*d.*) 7 Jan. 1692–3. Petition of Appellant. Recites proceedings below as in his Petition of 2 Feb. 1691–2. Appeals from the Decrees previously complained of. Prays that they may be reversed, and that Edward Topp and Christian his wife, and Jane Gray and (inasmuch as Ralph, Lord Stawell and John, Lord Stawell, his executor, are both dead) the Lady Stawell, administratrix of John, Lord Stawell may be ordered to answer, and proceedings stayed meantime. *Signed* by Appellant; *Countersigned* by Tho. Powys and Richard Arnold. *Endorsed* as brought in this day. No entry in L. J. or MS. Min.

544. Feb. 2. Mitchell *v.* Metcalf.—Petition and Appeal of Daniel Michell (*signs* Michel). Respondent brought a Bill in Chancery against Appellant, co-executor with Respondent of John Michel, to discover the estate supposed to be in Appellant's hands, and to answer in particular to a debt of 335*l.*, whether it was not paid to him by the testator. Appellant answered that he had a Bill from testator for that sum, being a just debt due to him, exclusive of any other account, and that he had never any other satisfaction for the same, save only 80*l.*, for the recovery of which he expended 10*l.* The Lords Commissioners on 25 Jan. last decreed Appellant to deliver in the Bill for the payment of the said money in absolute discharge of the same, with costs. Prays that this Decree may be reversed, and Respondent ordered to answer. *Signed* by Appellant; *Countersigned* by C. Weeden and G. Duncombe. L. J., XV. 59. [The Appeal was heard and dismissed with 10*l.* costs on 20 Feb. (*ib.* 85). *Sir Francis Winnington* and *Mr. Weeden* were heard for Appellant, and *Mr. Trevor* and *Mr. Freeman* for Respondent. (MS. Min.)]

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Annexed:—

(*a.*) 11 Feb. Answer of William Metcalfe.—The testator gave 600*l.* to Appellant for a legacy, and after that and some other legacies paid, devised the surplus of his estate to his executors, and died about 20 years since. Appellant thereupon possessed himself of all or the greater part of the estate, and refused to pay a moiety of the surplus or account to Respondent, his co-executor. The debt claimed is on a pretended note under testator's hand, about 26 years ago, and there is no proof of any demand thereof in the lifetime of testator, who died leaving no debts unpaid. The Court below was satisfied that Appellant's debt was long since paid. Prays that the Appeal may be dismissed with costs. *Endorsed* as brought in this day.

545. Feb. 4. Cattle Bill.—Amended* draft of an Additional Act to prevent butchers from selling live cattle. Whereas by an Act made in the 15th year of the reign of King Charles II., it is enacted that no person using the trade or mistery of a butcher should at any time after the Feast of St. Michael the Archangel then next ensuing, sell, offer or expose to sale in any market or elsewhere, either by himself or any servant or agent whatsoever, any fat oxen, steers, runts, kine, heifers, calves, sheep or lambs alive, upon pain to forfeit the double value of the cattle so sold or offered or exposed to sale as aforesaid; which law has not wrought such effectual reformation as was intended, by reason of the length of time that is required for the due prosecution thereof; Wherefore be it enacted by the King and Queen's Most Excellent Majesties, etc., That if any such person or persons using the trade or mistery of a butcher as aforesaid do, or shall at any time after the *twenty-fourth* day of *June* now next following, commit any offence or offences prohibited by the said Act, that then, if any such offence or offences shall be proved upon oath by two or more sufficient witnesses, or by the confession of the parties offending before any Justice of Peace, Mayor or other head officer of any city or town corporate in their several limits respectively, wherein such offence shall be committed, who are hereby severally empowered to administer an oath or oaths to such witness or witnesses accordingly, every such forfeiture or penalty shall and may be levied by any constable or churchwarden by warrant from any such Justice or Justices of Peace, Mayor, or other head officer as aforesaid, within their several limits, where such offence shall be committed or done, by distress and sale of the offenders' goods, rendering to the party the overplus, all charges in levying the same being first deducted.

And be it further enacted by the authority aforesaid, That such penalties and forfeitures, so levied as aforesaid, shall be paid by the officer, who shall levy the same as aforesaid, to the party or parties complaining or informing of such offence or offences done as aforesaid.

Provided always that it shall be lawful for any constable or churchwarden that shall have any suit or action brought against *him or* them for any distress by them or any of them, to be taken by force of this present Act, to plead the general issue and to give the special matter in evidence; *And if the Plaintiff or Plaintiffs shall become nonsuit or forbear further prosecution or suffer discontinuance, or if a verdict pass against him or them, then the said Defendants shall recover his and their double costs, for which he and they shall have the like remedy as in cases where costs by law are given to Defendants.* [Read 1ª this

* The amendments, being additions, are shown by italics. They were made in Committee, and reported on Feb. 6. (Com. Book. L. J., XV. 65.)

day. L. J., XV. 61. The Bill dropped in the Commons without a first reading (C. J., X. 658), although the Lords sent a message on 22 Feb. to remind them of it. (*Ib.* 683; L. J., XV. 88.)]

546. Feb. 4. Hildeyard's Estate Act.—Draft of an Act for the better vesting and settling the Manor of East Horsley in Surrey in Trustees, to be sold for payment of the debts of Phillip Hildeyard, Esq. No amendments in either House. [Read 1ª this day; Royal Assent, 24 Feb. L. J., XV. 61. 93.) 3–4 W. & M. c. 35. in Long Calendar. Com. Book, 8 Feb.]

Annexed:—

(*a.*) Examined Copy of Act.

(*b.*) Particular of the Manor of East Horsley in the County of Surrey, as now let, viz.:

	£	*s.*	*d.*
Henry Lee's farm	12	0	0
Thomas Martyr's farm	10	0	0
Cooper's farm	18	0	0
James Halloway's farm	6	0	0
Symond's farm	7	0	0
Three cottages	5	0	0
The Lands called French lands	30	0	0
The Bishop's Mead	13	0	0
The Park	37	0	0
The Orchard	12	0	0
	150	0	0

Besides the Capital Messuage and Gardens thereunto belonging.

[This and the next paper are endorsed "Mr. Hildeyard's Papers."]

(*c.*) Particular of the Manor of Gouxhill *alias* Gowsell in the County of Lincoln, viz.:

	£	*s.*	*d.*
The Homestead, 33 acres enclosed ground at 20*s.* an acre	33	0	0
Martin Close, let for	2	15	0
30 acres of Tethering ground at 4*s.* per acre	6	0	0
Arable land, 198 acres at 5*s.* per acre	49	10	0
Meadow, 236 acres at 6*s.* 8*d.* per acre	78	13	4
One farm in the occupation of William Smith	14	0	0
Henry Barnes per annum	1	10	0
William Cavell per annum	1	10	0
Michael Hutchin per annum	2	0	0
37 beast gales at 2*d.* per gale	3	14	0
36 tail gales at 4*d.* per gale	0	12	0
Profits of courts, fishing, and fowling	5	0	0
Quit rents	0	18	0
One other farm called Cavell's farm, let at	12	0	0
	211	2	4
Payable thereout for rent of assize and fowling and fishing	0	7	4
	210	15	0

Besides the house, orchards and garden.

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547. Feb. 4. Gunpowder (Tower of London, &c.) Bill.—Draft of an Act for preventing dangers that may happen to their Majesties' Tower of London and the office for Victualling their Majesties' Navy, from Gunpowder kept in places thereto adjacent. Whereas great quantities of gunpowder are kept for sale by private persons trading therein, in warehouses or storehouses and other places in the hamlets belonging to the Tower of London and near their Majesties' Office for Victualling their Navy, and many more storehouses for the purpose aforesaid are erecting, which, in case any accident of fire should happen in any of the said storehouses, their Majesties' said royal garrison of the Tower, with all the magazine of powder, ammunition and utensils of war therein contained, and likewise their Majesties' said Victualling Office, with all the provisions and stores kept therein for victualling their Royal Navy, and all the houses in parts thereto adjacent would be in probability of being destroyed, the apprehension of which has had such amazing effects, that divers inhabitants have already quitted their habitations in the said hamlets, several tenants have given their landlords warning that they will leave their houses, and other persons, that intended to live in the said hamlets, have altered their resolutions and refuse to come to inhabit near such imminent and apparent danger, as may proceed from the neighbourhood of such storehouses. For the prevention whereof for the future, Be it enacted by, &c. That from and after the day of , no person or persons whatsoever shall keep or have any storehouse or warehouse for gunpowder within distance of the said Tower of London and said Office for Victualling the Navy; nor shall keep or have above the quantity of of gunpowder at any one time in any place or places within the said distance (their Majesties' Stores only excepted) upon pain of forfeiting the same; and that upon complaint thereof made upon oath before any two of their Majesties' Justices of the Peace (which oath the said Justices are hereby authorised to administer) it shall and may be lawful to and for any Churchwardens, Chapel-wardens, Constables and headboroughs, by warrant under the hands and seals of such Justices of the Peace, to them or either of them directed, *between the hours of ten in the forenoon and four in the afternoon*,* to enter into any warehouse or storehouse for keeping of gunpowder, or any other place justly suspected to keep gunpowder within the limits aforesaid (excepted as before excepted) and search and see what quantity of gunpowder is lodged therein, and upon refusal of entry after demand, it shall and may be lawful to and for such officer or officers to break open the doors belonging to such storehouses as aforesaid, or any other place or places suspected as aforesaid; and all such gunpowder, which upon any such search shall be found (over and above the quantity allowed by this Act) the same shall seize, take and carry away, sell and dispose of, and shall pay the money arising thereby (reasonable charges of seizing and selling the same being first deducted), one moiety thereof to the use of the poor of the parish where the said gunpowder shall be seized, the other moiety to the person that did make the discovery thereof. [Read 1ª this day, and all persons concerned to have notice and to be heard by Counsel on the 9th inst. (L. J., XV. 61, 62.) No further proceedings.]

548. Feb. 5. Caine *v.* Coleman.—Writ of Error, with Return of C. J. Holt endorsed thereon, and Transcript of Record, with Suggestion of Error and Defendant's Common Joinder annexed thereto. John Caine, of Whitechapel, Gent., a creditor for 1,500*l.* of Samuel Badily,

* The words in italics are substituted for "in the day-time."

a silk merchant, who became bankrupt, was appointed his Assignee in Bankruptcy, and sued William Coleman, now in the Marshalsea, for 50*l.* paid him by Badily after his bankruptcy, as alleged. Badily had been arrested at the suit of Alexander Cowse for 100*l.*, and had been in Ludgate Prison for two months before his bankruptcy. Besides his debt to Caine, he owed 344*l.* to John Head, and other sums, in all 2,000*l.* Judgment was given for Coleman in Exchequer Chamber, with 26*l.* costs. *Parchment Collection.* [Brought in this day (L. J., XV. 64). The hearing was appointed for 23 Feb., but never took place (*ib.* 82). *See also* No. **552.**

549. Feb. 5. Roffey *v.* Hunt.—Writ of Error, with Return of C. J. Holt endorsed thereon, and Transcript of Record with Suggestion of Error (endorsed as brought in 12 Feb.) and Defendant's Common Joinder annexed thereto. Elizabeth Hunt, widow, obtained Judgment against Edward Wilcox, of St. James', Westminster, carpenter, for a debt of 400*l.* with 4*l.* damages, and failing to recover from him, sued his sureties, John Roffey, vintner, and John Hodge, carpenter, both of the Strand, for 800*l.*, the amount of their Recognizance, by a Writ of *scire facias*. The latter objected that she ought first to have sued out a *capias ad satisfaciendum*, and Hunt pleaded that she had done so in the case of Wilcox. [Brought in this day. L. J., XV. 64. *Parchment Collection.* The Cause was heard on 24 Feb., *Mr. Rowe* appearing for Plaintiff, and *Mr. Holles* for Defendant. Judgment affirmed with 10*l.* costs. (MS. Min.; L. J., XV. 91.)]

550. Feb. 6. Molyneux's Estate Act.—Consent of Reginald Molyneux, to the passing of the Bill to vest certain lands of William Molyneux, Gent., in trustees, for raising the sum of 2,000*l.* for paying the portions to his younger brother and sisters, pursuant to a Decree in the Court of Chancery. *Dated* 28 Jan. 1691–2. *Attested* by Thos. Preston and Thos. Patten. [Read in Committee this day. (Com. Book.) The Bill was brought from the Commons 27 Jan.; Royal Assent, 24 Feb. (L. J., XV. 51, 93.) 3–4 W. & M. c. 26. in Long Calendar.]

551. Feb. 8. Naturalisation Act (Marquess of Monpovillan and others).—Certificate that the Right Hon. Armand Nompar De Caumont, Marquess of Mompovillan* received the Sacrament, according to the usage of the Church of England, at the parish church of St. Martin-in-the-Fields on 24 Jan. 1691–2. *Dated* eod. die. *Signed* by Charles Legard, Curate, and Christopher Cock, Churchwarden. *Attested* by Wm. Ducker (his mark) and Thos. Wickins. [Read in Committee this day, Ducker and Wickins being sworn, and testifying to the truth of the Certificate. (Com. Book.) The Bill, as brought from the Commons on 1 Feb., was to naturalise the Marquess only. (L. J., XV. 56.) The Lords amended it in Committee by adding Godart, Baron de Ginkle and John James Nicolai (Com. Book, 8 Feb.; C. J., X. 664), to whom the Commons afterwards added Lewis James de Vasseur Cayny. (C. J., X. 665.) The Bill, as thus amended, received the Royal Assent on 24 Feb. (L. J., XV. 93.) 3–4 W. & M. c. 20. in Long Calendar.]

Annexed:—

(*a.*) 8 Feb. Certificate that the Right Hon. Godart, Baron de Rheede, Lord D'Amerongen Ginckell &c.† received the Sacrament on 31 Jan. 1691–2. *Dated* eod. die. *Attested* by Jacob

* "Armand Nompar de Caumont, commonly called Marquis of Monpouillon" in the Act.

† "Godert, Baron de Ginckel" in the Act.

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van Leeuwen and Christopher de Schmettau. Rest as in preceding. [Read in Committee this day, and testified to as preceding. (Com. Book.)]

(*b.*) 8 Feb. Certificate that Mr. John James Nicolai, a High German, of Dresden in Saxony, late Adjutant-General to the Elector of Bavaria and Gentleman of the German Emperor's Embassy to their present Majesties by the Earl of Cöningslex, is a true Protestant and member of the true Protestant Lutheran Church in the City of London, and that he received the Sacrament there on 16 Jan. 1691–2. *Dated* eod. die. *Signed* by John Esdras Edzard, Minister of the said Church, formerly called Trinity the Less. *Attested* by F. Thos. Fritsch, C. Godofredus Sultzberger and Johan Gottfried Düringer. [Read and testified to in Committee this day. (Com. Book.) Nicolai was sworn on 2 Feb. (MS. Min.)]

(*c.*) 15 Feb. Certificate that Lovis Jacques le Vasseur Congnes received the Sacrament on 7 Feb. 1691–2, in the parish church of St. Martin-in-the-Fields, Middlesex. *Dated* eod. die. *Signed* by Dr. Thos. Tenison, Minister of the said Church and Bishop of Lincoln, and by Christopher Cock, churchwarden. *Attested* by William Ducker (his mark) and Thos. Wickins. [Added by the Commons as "Lewis Jaques le Vasseur Coyny" (C. J., X. 665), under which name he appears in the Act. The Certificate was sent up by the Commons with the Bill returned this day.]

552. Feb. 8. Caine *v.* Coleman (in Error).—Petition of Plaintiff. The Defendant is dead since the writ of Error was brought. Prays that his widow and executrix may be summoned to hear judgment on the record. L. J., XV. 66. [The Cause never came to a hearing. *See also* **548.**]

Annexed:—

(*a.*) 18 Feb. Petition of Sarah Coleman, widow and executrix of William Coleman, for time to join issue. L. J., XV. 82.

(*b.*) 18 Feb. Petition of Plaintiff to set down Cause for hearing *ex parte*, and for early day for hearing. L. J., XV. 82.

553. Feb. 10. Mutiny, &c. Bill.—Amended* draft of Proviso to the Bill for punishing of Mutineers and Deserters, and preventing false Musters, and paying the Army according to the Musters of effective men, and for better paying of Quarters, as follows: Provided always, and be it farther enacted by the authority aforesaid, that no non-commission officer, nor private trooper or sentinel shall be punished for deserting or demanding their pay, so not above [eight]† *two* persons come together at one time that can prove there is [three months] *forty days* pay due to him or them, but upon full proof of that matter, shall be acquit of all and every such crime or crimes charged upon him or them at such Court Marshal where any such person shall be tried. [This Proviso, as amended and engrossed (Annex (*a.*) below) was offered on third reading this day, but agreed to be laid aside. (MS. Min. No entry in L. J.) The Bill was brought from the Commons on 18 Jan. (L. J., XV. 38), amended in C. W. H. on Jan. 29 and Feb. 5 (MS. Min.), and again on third reading, by adding a Clause concerning

* Omissions are shown by square brackets, and additions by italics. The Bill is not among the Records, having remained ultimately with the Commons.

† The word ("eight") was first altered to ("four"), before being finally changed to ("two").

Carriages (MS. Min.; L. J., XV. 70), and returned 10 Feb. with the amendments. (C. J., X. 692. *In extenso.*) To some of these amendments the Commons on 23 Feb. disagreed, appointed a Committee to prepare Reasons, and ordered a Message to be sent to the Lords for a Conference (C. J., X. 692-3), but the Prorogation on the 24th put a stop to further proceedings, and the Bill accordingly dropped.]

Annexed:—

(*a.*) 10 Feb. Engrossment of above, as amended.

554. Feb. 12. Paston *v.* L. Howard of Effingham (Privilege).—Petition of the Hon. Robert Paston, Esq., and Charles Shaw, Esq., in the behalf of themselves, and of Anne and Elizabeth their wives, being the daughters and heirs of Phillip Harbord, Esq., deceased, and granddaughters of Sir Charles Harbord, also deceased. The late Sir Charles Harbord left by will to his son Phillip a fourth part of the residue of his personal estate, after debts and legacies paid, for the benefit of Phillip's daughters and younger children, and Phillip thus received 3,200*l.*, which he managed as trustee during his life, and by his will made the Right Hon. Susan, now wife of Francis, L. Effingham, his sole executrix, in trust to pay his debts and legacies, including some to Petitioners' said wives, certain of which are not yet paid. Petitioners have applied to Lord and Lady Effingham to perform the trusts and to answer their Bill in Chancery. Petitioners, although advised that no privilege is allowed to peers in the case of a trust or executorship in trust, nevertheless pray their Lordships for leave to proceed in the Bill. L. J., XV. 73. [On 19 Feb. in Committee for Privileges, to whom this Petition was referred, *Sir Thomas Powys* opened the case for Petitioners, and said it is barely a trust in Lady Effingham. Sir Charles Harbord's Will is read. Mr. Harbord's receipt for 3,200*l.* is read, and also his Will. *Mr. Finch* (for L. Howard): Lady Effingham is not otherwise a trustee than as an executrix. Petitioners' legacies are actually paid. Lady Effingham has all the remainder of Mr. Harbord's estate, after the debts are paid. *Counsel* for Petitioners: If Mr. Harbord was a trustee, as undoubtedly he was, for the children, then his executrix must needs be so. The executrix can have it in no other right than a testator has. *Mr. Finch:* Any creditor may as well move your Lordships that my Lord should waive his privilege as the Petitioners; for the case is the same. *Question:* Whether in this case L. Howard of Effingham has any privilege? Contents, 3; Not-Contents, 10. Resolved in the *Negative.* Ordered to report as in L. J., XV. 86. (Priv. Book, 19 Feb.)]

Annexed:—

(*a.*) 12 Feb. Order of the House on above Petition. *Signed* Matth. Johnson, Cler. Parliamentor. L. J., XV. 73. *In extenso.*

(*b.*) 20 Feb. Report from Committee for Privileges. L. J., XV. 86. [It is dated wrongly the 12th of February.]

555. Feb. 13. Shipbuilding Bill.—Commons' Engrossment of an Act for encouraging the building of good and defensible ships. For the better encouragement of building good and defensible ships, Be it enacted by the King and Queen's most excellent Majesties, &c., That all and every person or persons that shall, within the space of seven years, from and after the first day of May one thousand, six hundred ninety-two, build, or cause to be built, within any of their Majesties' dominions, any ship or ships of three decks with a forecastle and five foot six inches between each deck, from plank to plank, measuring 600 tons at least, and mounted with thirty pieces of ordnance at least, and

other ammunition proportionable, shall for the first three voyages which the said ship or ships shall make from their Majesties' dominions to any foreign parts, have and receive to their own proper use and benefit, one-tenth part of the Customs that shall be paid to their Majesties, for all such goods and merchandise as shall be exported or imported on the said ship or ships to and from this kingdom. And the Commissioners and Officers of their Majesties' Customs are hereby empowered and required to pay the same to the owner and owners of the said ship or ships accordingly. *Parchment Collection.* [Brought from the Commons this day; read 2ª on 18 Feb. (L. J., XV. 74, 82.) No further proceedings, the Prorogation taking place on 24 Feb. Compare Act of 1694 (5–6 W. & M. c. 24.)]

556. Feb. 13. D. Bolton's Privilege (P. Ryley).—Copy Order of Council, dated 11 Feb. 1691–2, appointing Counsel to be heard on the 18th inst., on the Petition of Philip Ryley, Surveyor General of his Majesty's Woods, Trent South, touching a late sale of decayed trees in the New Forest, which, though set out by the officers of the Navy, are suggested to be the greatest part ship timber and sold at an under value. *Signed* John Nicholas. A true copy. P. Ryley. [The House was informed this day that the above order had been served on D. Bolton, who complained of it. *William Coleman* says that two men came and delivered the order from Mr. Ryley. *William Robinson* says he was with Coleman, when they delivered the order. *Richard Robinson* says he was at the Treasury this day. One asked him if there was any complaint against the Duke. He said he had the order from Mr. Serjeant Ryley. The other said he came from Serjeant Ryley to leave that order for the Duke. William Wicket or Winter was one; the other was his servant, Charles Low. (L. J., XV. 75; MS. Min.)—On 19 Feb., the Parties being called in, *Wicket* was asked how he came to serve the order. He said he was desired by Mr. Ryley to leave it at the Duke's house. *Charles Low* says he was going to L. Lexington and Wicket asked him to go with him. He showed the original, and Mr. Ryley bad him satisfy them it was a true copy. He only left the copy. *Coleman*, called in, says that these men came to him, and read the original and left the copy. They read one and witness the other. *Mr. Robinson:* I went to the Clerk of Council and asked how the Duke of Bolton came to be served. He told me that the party used to leave a copy at the House. *Mr. Serjeant Ryley* is called in and told of the Order in Council, and that he gave order for the serving of it. He says: I neither did direct nor intend that the Duke of Bolton should be served with it. I did so out of respect to the Duke, and thought it might be a service to the King to have the Duke of Bolton acquainted with it. It was not to be left with his Grace by my order. I did not intend it out of disrespect to him. I set my hand to it out of respect to him, and to save him any trouble. Then, by the Speaker's direction, he asked the Duke's pardon for the rudeness. (L. J., XV. 84; MS. Min.)]

557. Feb. 13. Mortgages (Clandestine) Bill.—Commons' Engrossment of an Act for preventing Frauds by Clandestine Mortgages. Identical with Act of 1692 (4 W. & M. c. 16. Fol. Ed.), except in a few verbal particulars and in making the Act commence on 24 June 1692 instead of 1 May 1693. *Parchment Collection.* [Brought from the Commons this day. (L. J., XV. 74.) The Committee on the Bill met Feb. 17 (M. Halifax in the Chair), and again Feb. 19 and 20 (L. Cornwallis in the Chair), but on each time only to adjourn, the last adjournment being to the 22nd. (Com. Book.)

On 20 Feb. the Commons having sent a message to remind the Lords of the Bill, the House ordered the Committee to be revived, and to meet on the 22nd, with Barons Lechmere and Powell to assist (L. J., XV. 85), but no further proceedings are recorded, and the Bill dropped with the Prorogation on the 24th.]

558. Feb. 13. Forfeited Estates (England) Bill.—Commons' Engrossment of an Act for vesting the forfeited estates in England in their Majesties to be applied to the use of the War.

Clause 1. Whereas diverse and sundry persons, being their Majesties' liege subjects, have, contrary to their duty, been guilty of High Treason against our Sovereign Lord and Lady King William and Queen Mary, in compassing and imagining their deaths, and in raising and maintaining War against them, and in adhering to their Majesties' enemies, as well within *this realm of England* * as in parts beyond Seas. And whereas this realm of England hath been put to great charge in defending their Majesties and the realms of England and Ireland against such their enemies, and it being highly reasonable that such charge should be defrayed by the estates of such traitors and enemies, as far as the same will go. *And whereas several of them have been attainted, or outlawed of such treasons.*† Be it therefore enacted by the King and Queen's Most Excellent Majesties, &c., That all and every person and persons who have been *attainted or outlawed for*‡ any the treasons aforesaid *committed against their Majesties*§ since the thirteenth day of February in the year of our Lord God one thousand, six hundred, eighty and eight, shall lose and forfeit to the King and Queen's Majesties, their heirs and successors, all such estate, right, title, interest, use, possession, powers, possibilities and authorities which they or any of them, or any other person or persons in trust or for the use or benefit of them, or any of them *at the time of such treason committed, or at any time since*‖ had, of, in or unto any honours, castles, manors, messuages, lands, tenements, rents, annuities, reversions, remainders, uses, possessions, offices, rights, conditions, trusts, or any other hereditaments whatsoever within *this realm of England, dominion of Wales and town of Berwick upon Tweed.*¶ And all judgments, statutes, recognizances, extents, right of action, right of entry, or any other chattels, real or personal, of what name, nature or quality soever they be, within *this realm of England, dominion of Wales, and town of Berwick upon Tweed.*¶ And that all such right, title, interest, use, possession, powers, *possibilities,*** or authorities which they or any of them, or any other person or persons in trust for them, *or any of them*†† *at the time of the said treason committed, or at any time since had, or*‡‡ of right ought to have had of, in, or to the said honours, castles, manors, messuages, lands, tenements, rights, trusts, rents, annuities, reversions, remainders, uses, possessions, *powers, possibilities and authorities,*§§ offices, conditions or any other hereditaments whatsoever. And all judgments, statutes, recognizances,

* ("the realm of Ireland") in the Bill relating to Ireland. No. **559.**
† Omitted in ditto.
‡ ("guilty of") in ditto.
§ Omitted in ditto.
‖ ("the said thirteenth day of February or at any time after") in ditto.
¶ ("the said realm of Ireland or elsewhere") in ditto.
** ("privileges") in ditto.
†† The word ("had") appeared originally here, but was erased in the Commons, 12 Feb., on third reading. C. J., X. 662.
‡‡ ("or any of them had the said thirteenth day of February or at any time after, or") in Bill relating to Ireland. No. **559.**
§§ Omitted in ditto.

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extents,* rights of action, rights of entry, or any chattels, real or personal, shall be deemed, and hereby are declared and adjudged to be forfeited, and actually vested in their Majesties their heirs and successors, for the purposes herein-after mentioned. And their said Majesties are hereby declared to be in the actual possession and seisin thereof, without any office or inquisition found or hereafter to be found. And it is hereby enacted and declared, that all and every the forfeitures so as aforesaid vested† in their Majesties, shall be and are hereby declared to be and remain in their Majesties, their heirs and successors, and in them so to continue until such time as the same shall be disposed of by authority of Parliament, for the effectual raising of moneys for the purposes aforesaid.

Clause 2. And to the end that the forfeitures so vested in their Majesties may not be aliened, or any way diverted from the purposes aforesaid, but may remain in the Crown, and not *to*‡ be disposed, transferred, charged or incumbered otherwise than by authority of Parliament, It is hereby further enacted, by the authority aforesaid, that all grants, dispositions and other Acts whatsoever made, or to be made by their Majesties or either of them, whereby the said forfeitures, or any part thereof, are or shall be diverted or hindered from being employed and disposed for the purposes aforesaid, shall be and are hereby declared to be null and void. And all and every person and persons, bodies politic and corporate, are hereby declared to have been and to be incapable of taking and receiving any grant, disposition or conveyance of what nature soever, to entitle or enable them or any or either of them to have, hold and enjoy the said forfeitures or any of them, or any part thereof by any way or means whatsoever otherwise than by authority of Parliament.

Clause 3. Provided always and be it enacted, that nothing in this Act contained shall be construed or taken to hinder or impeach the compleating a grant intended to be made by their Majesties for the augmentation of several poor vicarages in Wales and other charitable uses out of the impropriate rectories of Poole Myvod, and Guillfield alias Gillifield, in the county of Montgomery, lately held by William Marquess of Powis by lease for three lives of Christ Church College in Oxford.

Clause 4. Provided nevertheless, and it is hereby enacted and declared by the authority aforesaid, that nothing in this Act contained shall extend to invalidate or make void any judgment, statute, recognizance, assurance, assignment, charge, incumbrance or conveyance of what nature soever, whereby any the forfeitures before mentioned are made liable or any ways subjected to answer or make good any sum or sums of money by any body politic or corporate, or by any person or persons whatsoever other than the wife, child or heir of any the persons liable to such forfeitures as aforesaid, really and bona fide lent and paid on or before the thirteenth day of February, in the year of our Lord one thousand, six hundred, eighty eight; but that, notwithstanding this Act or any thing therein contained, all such bodies politic and corporate and every person and persons whatsoever, their heirs, executors and assigns (other than the persons excepted as aforesaid) shall have the like benefit and advantage for the obtaining and recovering the debts and moneys so lent and secured, as if this Act had never been made. Provided the said assurances, charges, incumbrances and conveyances shall be enrolled in their Majesties' Court of Exchequer, on or before the first day of

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* ("and all other securities") added here in Bill relating to Ireland. No. **559.**
† ("or to be vested") added here in ditto.
‡ ("to") is omitted in ditto.

September, which shall be in the year of our Lord one thousand, six hundred, ninety two.

*Clause 5. Provided nevertheless, and be it enacted, that their Majesties may extend such grace and mercy to Henry Lord Dover, both in his honour and estate, as they shall think fit, and that any gift or grant to be made by their Majesties to the said Lord Dover, his heirs, executors and administrators, of his estate real and personal, or any part or parts thereof, shall be good and effectual in the law, and that the said Lord Dover, his heirs, executors and administrators respectively, shall and may take, hold and enjoy the same according to such grant so to be made by their said Majesties, and the limitations therein contained, this present Act, or any clause, matter or thing therein contained to the contrary notwithstanding.

Clause 6. Provided always that nothing herein contained shall extend to impeach or avoid the letters patents made by their Majesties to Arthur Earl of Torrington and his heirs, bearing date the fourteenth day of May in the year one thousand, six hundred and ninety, for granting unto the said Arthur Earl of Torrington and his heirs several pieces and parcels of ground and lands in the great level of the Fens, called Peterborough Level, or Bedford Level, containing by estimation ten thousand acres, be the same more or less, which was heretofore granted to Lawrence Earl of Rochester, Sidney Lord Godolphin and others and their heirs, in the said letters patents recited, in trust for Mary late Queen of England for her life, nor to impeach or avoid the grant made by the said letters patents to the said Arthur Earl of Torrington, nor to vest in their Majesties, their heirs or successors, any lands, tenements or hereditaments intended by the said letters patents to be granted to the said Arthur Earl of Torrington, any thing in this Act to the contrary thereof, in any wise, notwithstanding.

Clause 7. Provided always that George Howard, Esquire, otherwise called Lord George Howard, having surrendered himself according to their Majesties' declaration in August one thousand, six hundred and ninety, be and is excepted out of this Act, and left to their Majesties' gracious will and pleasure, as for and concerning the forfeitures and penalties in this Act mentioned.

Clause 8. Provided nevertheless that this Act, or anything therein contained, shall not extend or be construed or taken to extend in any sort to the manor of Dantsey alias Dauntsey, with the appurtenances, in the county of Wilts, or to the hundred of Chippenham, with the appurtenances, in the said county of Wilts, or to any the lands, tenements or hereditaments, which in and by certain letters patents of their present Majesties, bearing date the twelfth day of January, in the second year of their Majesties' reign, were granted, or are therein mentioned to be granted, to Charles Earl of Monmouth and his heirs, at and under the yearly fee farm rent of three hundred pounds, but that the said manor, hundred, and premises shall and may be enjoyed as if this present Act had never been made.

Clause 9. Provided always that this Act shall not prejudice or make void a grant or demise made by their present Majesties in the year one thousand, six hundred, eighty-nine to Thomas Preston, of Holker, in the county of Lancaster, Esquire, of certain messuages and lands in Furness in the said county, lately the inheritance of Sir Thomas, Baronet, for the term of one and twenty years. But that the said Thomas Preston may hold and enjoy the same under the rents and covenants in and

* From here to end of clause 9 was added in the Commons, 4 Feb., on Report. C. J., X. 653.

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according to his said grant or lease, anything in this Act contained to the contrary notwithstanding.

* Clause 10. Provided that nothing in this Act shall extend to be construed to forfeit to, or vest in, their Majesties any the lands tenements hereditaments, estates, annuities or interests of Buno Talbot, Esquire, but that the same may be held and enjoyed in such manner as if this Act had not been made.

Clause 11. Provided that nothing in this Act shall extend, or be construed to extend, to forfeit, or vest in their Majesties any the estate or interest of Adam Colclough, Esquire, but that the same may be held and enjoyed by him, his heirs, executors, administrators and assigns in such manner as if this Act had not been made.

Clause 12. Provided always and it is hereby further enacted and declared that this Act, or anything therein contained shall not extend to Thomas Panton, Esquire (who was a minor at the time of any supposed treasonable act by him committed, and who deserted their Majesties' enemies within few days after the late battle at the Boyne in the kingdom of Ireland, and hath since taken the oaths of allegiance to their present Majesties. *Parchment Collection.* [Brought from the Commons this day (L. J., XV. 74), but not further proceeded with, though the Commons sent a message on 18 Feb. to remind the Lords of the Bill. (*Ib.* 83.) It dropped with the Prorogation on the 24th.]

559. Feb. 13. Forfeited Estates (Ireland) Bill.—Commons' Engrossment of an Act for vesting the Forfeited Estates in Ireland in their Majesties, to be applied to the use of the War:—

Clauses 1 and 2. Identical with Bill relating to England (No. **558**), except where noted in the text to that Bill.

Clause 3. And to the end that the forfeitures aforesaid may be of the better value, It is hereby enacted by the authority aforesaid, that wheresoever any forfeiture is by virtue of this Act vested, or to be vested in their Majesties wherein the person or persons forfeiting had any estate or trust in tail, every such estate and interest shall be and is hereby declared to be by virtue of this Act vested in the King and Queen's Majesties in fee simple absolutely for the purposes aforesaid.

Clause 4. Provided always and it is hereby further enacted and declared that this Act or any thing therein contained shall not extend to invalidate or make void any articles or agreements that during the late war in Ireland were made and duly ratified within the said kingdom upon the surrender to their Majesties of any city, town, fort or garrison of what nature soever, or to frustrate or make void any declaration or proclamation legally and duly published during the said war by their present Majesties' authority, but that all and every person and persons notwithstanding this Act or anything therein contained, shall and may have and enjoy the like benefit and advantage of all such articles, agreements, declarations and proclamations as they might and of right ought to have enjoyed, had this Act never been made, provided also that the lands, tenements and hereditaments of the persons comprised within the benefit of any of the articles and agreements aforesaid shall be and are hereby charged with the payment of such sum and sums of money as by any of the articles aforesaid it is agreed they should be charged with at the instance of the Irish Commissioners parties to the said articles, which said sums of money charged on the said lands, tenements and hereditaments shall be apportioned, rated,

* From here to the end of the Bill was added in the Commons, 12 Feb., on third reading. C. J., X. 662.

assessed and levied on them proportionably according to the pound rate of the yearly value thereof in such manner as by the persons in and by this present Act appointed or authorised, or which shall be hereafter appointed or authorised to judge of the said articles shall, upon hearing of áll parties before them, be adjudged, deemed or determined.

Clause 5. Provided always that this Act nor anything therein contained shall extend or be construed to extend to attaint or convict, or be otherwise prejudicial to, any of their Majesties' Protestant subjects of the realm of England or Ireland not being in actual arms against their Majesties in that kingdom on or after the first day of September, one thousand, six hundred, eighty-nine. But they and every of them respectively shall have, hold and enjoy their respective estates and interests in law or equity in all and every the castles, lordships, manors, seigniories, lands, tenements, rents, reversions, remainders and hereditaments, with their and every of their appurtenances, which did of right belong or appertain to them or any of them, or whereof any of them were seised of any estate of inheritance or otherwise in use, possession or remainder on the said first day of September, one thousand, six hundred, eighty-nine, nor to alter or take away any right, title or interest, by mortgage, lease, statute, judgment, recognizance, bond or any other security bona fide of them or any of them, their heirs or assigns, executors or administrators, to any estate of lands, tenements, or hereditaments, or otherwise of any person or persons whose estates are hereby forfeited or vested in their Majesties, anything herein contained to the contrary notwithstanding.

Clause 6. Provided nevertheless, and it is hereby declared that no person or persons whatsoever, as Protestant subjects of the said kingdom of Ireland, shall have any benefit or advantage of this Act, who shall not before the eight and twentieth day of November in the year of our Lord one thousand, six hundred, ninety-two take the oaths in one Act of Parliament made in the first year of their Majesties' reign, entituled An Act for removing and preventing of all questions and disputes concerning the assembling and sitting of this present Parliament. And shall also make, subscribe, and repeat the declaration mentioned in one Act made in the thirtieth year of the reign of the late King Charles the Second, entituled An Act for the more effectual preserving the King's person and government by disabling of Papists from sitting in either House of Parliament, in such manner and form as by the said Acts are limited, ordained and appointed to be taken, made, subscribed and repeated.

Clause 7. And to the end that no person may depend upon any judgment or resolution already made or to be made, concerning the said forfeitures, until some particular provision shall be made concerning the same by authority of Parliament, It is hereby further declared and enacted by the authority aforesaid, that notwithstanding any judgment or resolution made or to be made concerning the said forfeitures, all claims and demands whatsoever touching and concerning the same shall be subject to and only liable to such judgment, resolution and final determination as shall hereafter be made, either by Parliament or by some Judges or Commissioners appointed by, or pursuant to, some Act of Parliament hereafter to be made concerning the same.

Clause 8. Provided always, and be it enacted that it shall be lawful for their Majesties to grant to any persons, as a reward for their service, any of the lands and hereditaments vested in their Majesties by virtue of this Act, so as such lands and hereditaments do not exceed one full third part in value of the whole.

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* Clause 9. Provided always and it is further declared and enacted by the authority aforesaid, that the third part of the forfeitures by this Act reserved to the disposal of their Majesties, shall be disposed and given to such Military Officers and Soldiers as their Majesties shall think fit, who actually served in the wars in Ireland in person there since the thirteenth day of February one thousand, six hundred, eighty-eight, and to no other person or persons whatsoever.

Clause 10. And be it further enacted by the authority aforesaid, that all and every impropriations or impropriate tithes forfeited to or vested in their Majesties, their heirs and successors, by this Act, or otherwise forfeited or escheated to their Majesties in right of the Crown, if there be no lease or leases thereof in being unforfeited or otherwise, as soon as the unforfeited lease or leases shall be expired or otherwise determined, and in the meantime the reserved rents of such leases are hereby given to the Church for ever, and hereby are and for ever shall be settled and established upon the present and future incumbent and their successors, which have or shall have actual cure of souls in those respective parishes wherein such impropriations are, and such respective impropriate tithes do arise and accrue, and that all and every lease or leases let or demised for any certain term of years yet unexpired by any archbishop, bishop, dean, dean and chapter, or other ecclesiastical person or persons or their successors in their politic capacity of any lands, tenements or hereditaments so unto them belonging or appertaining, and that are by this present Act forfeited and vested in their Majesties, that all and every such land and tenements so forfeited, and the remainder of the term of years yet to come and unexpired of such lease or leases, shall be and are hereby given and assigned, assured and confirmed unto the respective sees or bodies politic, to whom the reversion after such lease or leases do or shall of right belong.

Clause 11. Provided always and be it further enacted by the authority aforesaid, that all and every the manors, lands, tenements and hereditaments whatsoever in the said kingdom of Ireland of John Lord Baron of Duleck, Walter Bellew, Esquire, Dudley Bagnall, Esquire, Sir John Flemming, Knight, and Francis Eustace, Esquire, and every of them, And the manor of Dowth and Proudsfoots town in the barony of Slane and county of Meath, already granted by their Majesties to Henry Lord Viscount Sidney, one of their Majesties' principal Secretaries of State, or to others in trust for him, shall be surrendered unto their Majesties, their heirs and successors, by the said Lord Viscount Sidney, his heirs or assigns, before the first day of May in the year of our Lord one thousand, six hundred, ninety-two. And that it shall and may be lawful to and for their Majesties, their heirs and successors, within the space of six months after such surrender made as aforesaid, to grant and assure unto the said Henry Lord Viscount Sidney, his heirs and assigns, other lands, tenements and hereditaments in the said kingdom of Ireland, vested or declared forfeited or to be forfeited by this present Act, as shall be equal in yearly value, worth and purchase to the premises so hereby intended to be surrendered, whereby the said Lord Viscount Sidney, his heirs and assigns, shall and may be fully reprized, which said grants and assurances thereof shall be good and effectual in law. And the said Lord Viscount Sidney, his heirs and assigns, shall be capable of accepting thereof, anything in this present Act to the contrary in any wise notwithstanding.

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* This and the next Clause were added in the Commons, 12 Feb., on third reading (C. J., X. 663–4), and are annexed as separate Schedules to the Engrossment.

Clause 12. And forasmuch as James Duke of Ormond, for his firm adherence to the Protestant religion and his early services to their Majesties, has been deprived by the rebels of all his estate, real and personal, in Ireland, whereby he is rendered in a great measure uncapable to discharge the great incumbrances whereunto his estate is liable, all his estate being and lying within that kingdom, Be it enacted by the authority aforesaid, that it shall and may be lawful for their Majesties, their heirs and successors, to grant to the said James Duke of Ormond and his heirs any of the forfeitures made by this Act or any other means within, or on any of the estate or estates of the said James Duke of Ormond, anything contained in this Act to the contrary notwithstanding.

Clause 13. Provided nevertheless and be it enacted that their Majesties may extend such grace and favour to Charles Earl of Abercorn (of the kingdom of Scotland) as to the honour of Straban in the kingdom of Ireland, and the estate of Claudius late Earl of Abercorn and Baron of Straban, forfeited to their Majesties, as their Majesties shall think fit. And that any gift or grant to be made by their Majesties to the said Charles Earl of Abercorn and his heirs of the said honour and estate or any part or parts thereof shall be good and effectual in the law. And that the said Charles Earl of Abercorn and his heirs shall and may take, hold, and enjoy the same according to such grant so to be made by their Majesties, this present Act or any clause, matter or thing therein contained to the contrary notwithstanding,* subject nevertheless to such debts and legal incumbrances of the said Claudius late Earl of Abercorn as the said estate or any part thereof were liable to or chargeable with in case the same had not been forfeited.

Clause 14. Provided always that nothing in this Act shall extend or be construed to extend to attaint or convict, or be otherwise prejudicial to, Thomas FitzMaurice, Esquire, son and heir apparent of William Lord Baron of Kerry and Lixnaw, but that he the said Thomas FitzMaurice shall have and enjoy such rights, estates and interests in Law and Equity in the said kingdom of Ireland as he might have done had this Act never been made, anything herein contained to the contrary notwithstanding.

Clause 15. Provided always that nothing in this Act contained shall extend or be constued to extend to the office of Clerk of their Majesties' Privy Council in Ireland, but that the person now in possession of the said office shall hold and enjoy the same in such manner as if this Act had not been made.

Clause 16. Provided also that the office of Usher of the Court of Chancery of Ireland taken by Thomas Tilson, senior, in the name of Oliver Grace, of the city of Dublin, gentleman, in trust for the said Thomas Tilson, shall not be forfeited or avoided by any act or disability of the said Oliver Grace by not taking the oaths and subscribing the declaration appointed by the late Act intituled An Act for the abrogating the Oath of Supremacy in Ireland and appointing other oaths or otherwise. But that the said Thomas Tilson, taking the said oaths and subscribing the said Declaration shall be, and is hereby enabled to have, hold and execute the said office, and receive the fees and perquisites thereunto annexed and belonging, and to appoint a deputy or deputies for executing thereof during the life of the said Oliver Grace, as if the said office or place of usher had been originally granted to the said

* From here to the end of this Clause was added in the Commons, 12 Feb., on third reading (C. J., X. 664), and is annexed as a separate Schedule to the Engrossment.

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Thomas Tilson in his own name, anything in the said former Act or in this Act to the contrary notwithstanding.

* Clause 17. Provided also and be it enacted by the authority aforesaid, that notwithstanding anything in this Act contained, It shall and may be lawful to and for their Majesties, their heirs and successors, to grant, assign and set out unto the Honourable Sir John Trevor, knight, Speaker of the House of Commons, executor of Arthur Trevor, Esquire, deceased, any lands or tenements which were the lands or tenements of Donough late Earl of Clancarty in the kingdom of Ireland, deceased, which are forfeited to their Majesties for High Treason by Donough, Earl of Clancarty, grandson and heir of the said Donough, Earl of Clancarty, deceased, until the said Sir John Trevor, his executors and assigns, shall be thereout paid and satisfied the principal debt of Nine Hundred pounds interest and damage for the same (which said debt was due and owing unto the said Arthur Trevor upon a bond bearing date the eighteenth day of January, one thousand, six hundred, sixty-one, and entered into by the said Donough Earl of Clancarty the grandfather, deceased, and Charles Lord Viscount Muscry, his son and heir apparent, and wherein they jointly and severally bound themselves and their several heirs, executors and administrators in the penalty of eighteen hundred pounds, for payment of the sum of nine hundred, fifty four pounds on the twentieth day of January one thousand, six hundred, sixty-two. And that the said Sir John Trevor, his executors and assigns, shall hold and enjoy the said lands so to be granted, assigned and set out accordingly.

Clause 18. Provided nevertheless and be it enacted that their Majesties may extend such grace and favour to Captain Christopher Wray, son and heir apparent of Sir Drury Wray, Baronet, both as to the honour of baronet and the estate of inheritance of his mother (which is forfeited to their Majesties during his father's life) as their Majesties shall think fit, and that any gift or grant to be made by their Majesties to the said Captain Christopher Wray, his heirs and assigns, of the said honour and estate, or any part or parts thereof, shall be good and effectual in the law, and that the said Christopher Wray, his heirs and assigns, shall and may take, hold and enjoy the same according to such grant so to be made by their Majesties, this present Act or any clause, matter or thing therein contained, to the contrary notwithstanding.

Clause 19. And whereas Sir Thomas Southwell and his brother William Southwell, being made prisoners and condemned for adhering to this present government, were forced for preservation of their lives and to make their escapes, to pretend to serve the late king James. Be it therefore enacted by the authority aforesaid, that nothing in this Act shall be construed to deem the said Sir Thomas Southwell, or his brother William Southwell forfeiting persons.

Clause 20. Saving always to Connor O'Brion, Esquire, and his heirs, all his right, title and interest in law or equity in or to any manors, lands, tenements or hereditaments now or late in the possession of Daniel Lord Viscount Clare in the kingdom of Ireland, anything contained in this Act to the contrary in any wise notwithstanding. *Parchment Collection.* [Brought from the Commons this day (L.J., XV. 74), but not further proceeded with, though the Commons sent a message on 18 Feb. to remind the Lords of the Bill.]

560. Feb. 16. Navigation Act Suspension (West Indies) Bill.—Commons' Engrossment of an Act for permitting English Ships to be

* From here to the end of the Bill was added in the Commons, 12 Feb., on third reading. C. J., X. 663.

navigated with foreign Seamen to and from the West Indies during the War. Whereas in one Act made in the twelfth year of the reign of King Charles the Second for the encouraging and increasing of Shipping and Navigation, among other things it is enacted, that from and after the first day of December, one thousand, six hundred and sixty, and from thence forwards, no goods or commodities whatsoever shall be imported to, or exported out of, any lands, islands, plantations or territories belonging to his Majesty in Asia, Africa or America, in any other ship or ships, vessel or vessels, whatsoever, but in such ships or vessels as do truly, and without fraud belong only to the people of England or Ireland, dominion of Wales, or town of Berwick-upon-Tweed, or are of the built of, and belonging to, any the said lands, islands plantations or territories as the proprietors and right owners thereof, and whereof the master and three-fourths, at least, of the mariners are English, under the penalty of the forfeiture and loss of all the goods and commodities which shall be imported into, or exported out of, any of the aforesaid places, in any other ship or vessel, as also of the ship or vessel with all its guns, furniture, tackle, ammunition and apparel. And whereas by the great need there is of seamen for the manning their Majesties' fleet, a number of English seamen cannot be spared sufficient to navigate ships, according to the said Act, whereby their Majesties' Revenue of the Customs is very much lessened and the English plantations in America cannot be furnished from England with provisions, cloths, tools and other necessaries for their subsistance, nor send to England their produce to pay for the same, whereby the said islands and plantations are reduced to great distress and danger. Be it therefore enacted by the King and Queen's most excellent Majesties, etc., that so much of the forementioned Act, made in the twelfth year of King Charles the Second, for the encouraging and increasing of shipping and navigation, and of all other Act or Acts, whereby such ships as are permitted by the said Act to import goods into, and export goods out of, the said plantations, are obliged to sail to and from the English plantations of America, with three fourths, at least, English mariners, under penalty of forfeiture of all goods laden on such ships, and the forfeiture of the ship and vessel, with all its guns, furniture, tackle, ammunition and apparel, shall be and is hereby suspended, during the present war with France and no longer. And that it shall and may be lawful, during the time aforesaid, for any ship or ships, vessel or vessels, qualified according to the said Act, for encouraging and increasing of shipping and navigation, to sail with seamen subjects to any Prince or State in amity with their Majesties, and to load goods in any place or places not prohibited by the said Act nor any other Act of Parliament, and them import into any of their Majesties' plantations or Colonies in America, and there load the produce of the said plantations or Colonies, and bring the same into any the ports of the kingdom of England, or dominion of Wales, or town of Berwick-upon-Tweed, although three fourths of the mariners belonging to any such ship or ships, or vessel or vessels be not English, without incurring any penalty or forfeiture of ship or goods, guns, furniture, tackle, ammunition or apparel, and without being liable to any other or greater duty or charge whatsoever, than the said ship or ships, vessel or vessels, or the goods on any of them laden ought to have paid, if three fourths of the mariners sailing the said ship or ships, vessel or vessels, had been English, anything in the said Act for the encouraging of shipping and navigation, or any other Act contained to the contrary thereof, in anywise notwithstanding.

And be it further enacted, that it shall and may be lawful, during this present war with France, for all English ships, which shall import

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into this kingdom any hemp, pitch, tar, mast, plank, deal or any other Naval stores, to be navigated by foreign seamen, any Act, law or statute to the contrary notwithstanding. *Parchment Collection.* [Brought from the Commons this day; read 1ª the 17th. (L. J., XV. 78, 79.) Read 2ª on 18th and committed, and the Commissioners of the Navy to attend. (*Ib.* 82.) On 23 Feb. Committee put off to the 25th. (*Ib.* 89.) The Bill dropped with the Prorogation on the 24th.)

561. Feb. 17. Lady Gerard of Bromley *v.* L. Gerard of Bromley (Privilege).—Petition of Elizabeth Gerard, Baroness Dowager of Gerards Bromley, for the judgment of this House, whether Charles, L. Gerard, against whom she is proceeding for recovery of her dower, may insist on his privilege, though not having taken the oaths. L. J., XV. 80. Almost *in extenso.* [Privilege was disallowed on 24 Feb., and a general Order made to this effect. (*Ib.* 91.)]

Annexed :—

(*a.*) 18 Feb. Answer of Charles, Lord Gerard of Bromley. Respondent having been prosecuted by Petitioner in a writ of dower for the thirds of the estate, it was afterwards agreed to refer the matter finally to Petitioner's Counsel, and by Articles dated 25 Nov. 1686 the dower was agreed upon and set out to the satisfacton of Petitioner, who has since enjoyed it undisturbed, nor does she allege that Respondent has ever infringed those articles. The suit is groundless, and Respondent has been taken by surprise, all his papers being above 100 miles from London. Prays that his privilege may not be disallowed. *Endorsed* as brought in this day.

562. Feb. 22. Duchy of Cornwall Bill.—Commons' Engrossment of an Act for enabling their Majesties to make leases and grant estates of lands, tenements and hereditaments belonging to the Duchy of Cornwall. Identical with Act of 1694 (5–6 W. & M. c. 18 Fol. Ed.), except in some purely verbal particulars, and in the following passages, where the Act omits the words in square brackets and adds those in italics, viz. :—

Sect. i.

Line 13. . . . that [all grants made in the time of his said late Majesty King Charles the Second, or in the time of the late King James, or by their present Majesties since their happy accession to the Crown, or to be made by copy of Court Roll, according to the custom of the respective manor or manors of the said Duchy, or thereunto annexed or belonging, and] all leases and grants [so] made by his said late Majesty King Charles the Second, or by the [said] late King James . . .

Sect. v.

Line 1. And [for that the fees and charges of obtaining, passing and perfecting of leases and grants by copy of Court Roll of the said lands and tenements have lately been much increased and the tenants put to long and expensive attendances, to their great grievance and impairing of that Revenue, Be it further enacted by the authority aforesaid, That the Lord Treasurer or Lords Commissioners of the Treasury or Chancellor of the Court of Exchequer for the time being shall and may, from time to time during the time aforesaid, contract with such tenants for such leases and copies in such way as to them in their discretion shall seem best for their Majesties' service, and the ease and dispatch of the said tenants, and that all leases and grants hereafter made by Indenture, Copy of Court Roll or otherwise, of any of the said messuages, lands or tenements, by force and virtue of this Act or otherwise, and all reservations, conditions and covenants therein contained, shall be made and written in English and not in Latin, and] *whereas within the County of Cornwall there are several tenements, belonging to the said Duchy, of small value so that the charge of passing Letters Patents under the Great Seal or leases under the Seal of the Exchequer and grants by Copy of Court Roll may discourage the tenants from renewing so often as otherwise they would do, Be it further enacted by the*

authority aforesaid, that the whole fees, reward and charges to be paid, received or taken for the preparing, writing, drawing, obtaining, making, passing [and] *or* perfecting of any such lease or grant, and for the petition, answer, reference, report, particular, certificate, contract, warrant, inrollment and entry thereof, and for every other matter [or] *and* thing relating thereunto, or touching or concerning the obtaining, passing and perfecting [of] any [such] lease or grant *of such small tenements in the said county of Cornwall (where the fine or value of such lease or grant to be made or renewed shall not exceed the sum of eighty pounds)* shall not exceed the sum of ten pounds for every lease, and four pounds for every copy, over and besides the *said* fine *or value* [payable to their Majesties for or in respect of such lease or grant of any tenement within the county of Cornwall], the said respective sums, not exceeding ten pounds and four pounds, [to be ascertained and] to be paid, distributed and divided unto and amongst the several and respective officers *and* clerks *of the Exchequer* and [persons] *Stewards of the honours and manors of the said Duchy* concerned and employed in the preparing, passing and perfecting of such lease or grant *respectively*, in such [parts, shares and proportions as the Lord Treasurer, or the Lords Commissioners of the Treasury or Chancellor of the Court of Exchequer for the time being shall limit, direct and order, any usage or practice to the contrary thereof in any wise notwithstanding] *proportion as the fees of leases or grants within the said Duchy formerly and hitherto were and are received;* And if any of the said Officers, Clerks [or persons] *and Stewards* shall demand, take and receive any greater or other fee or reward, or shall do or attempt, or cause to be done or attempted, anything contrary hereunto, such Officer, Clerk [or person] *and Steward* shall forfeit and lose for every such offence to the party grieved in that behalf so much money as any such Officer, Clerk or [person] *Steward* shall demand . . .

Parchment Collection. [Brought from the Commons this day; read 1ª on 23 Feb. (L. J., XV. 88, 91.) No further proceedings.]

563. Feb. 23. Butter (Weighing and Packing) Bill.—Commons' Engrossment of an Act for remedying the abuses in weighing and packing of butter. Identical with Sections i, ii, and vi. of the Act of 1692 (4 W. & M. c. 7., Fol. Ed.) except in the following passages:—

Engrossed Bill.	Act of 1692. (Fol. Ed.)
Clause 1.	Sect. i.
Forasmuch as the county of Suffolk and some part of the county of Norfolk consists chiefly of dairy farms and are chiefly supported . . .	Line 1. Forasmuch as divers countries (*sic*) of this Kingdom consist chiefly of dairy farms, and are in great measure supported . . .
. . . in all the sea-port towns in the said county of Suffolk . . .	Line 6. . . . in all or most of the sea-port towns in the said counties . . .
. . . approved by the said factors . . .	Line 8. . . . approved by the factors . . .
. . . said counties of Norfolk and Suffolk, contrary . . .	Line 15. . . . said counties, contrary . . .
. . . exposes the same to sale, the Seller shall not after be charged . . .	Line 19. . . . exposes the same to sale, by searching or * weighing the same (if he think fit), the Seller shall not after be charged . . .
Clause 2.	Sect. ii.
And for the preventing any frauds . . .	Line 1. And for the preventing any fraud . . .
. . . set his seal or mark upon the said butter, or name at length . . .	Line 3. . . . set his seal or mark upon the said butter, or the cask in which it is, or his name at length . . .
. . . by a warrant . . .	Line 13. . . . by warrant .
Clause 3.	Sect. vi.

* ("and") in original Act.

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Parchment Collection. [Brought from the Commons and read 1a this day, and Counsel ordered to be heard on the Petition of Hawes and others (*see* No. **564**) on the 24th. (L. J., XV. 89.) No further proceedings, the Prorogation supervening.]

564. Feb. 23. Butter (Weighing and Packing) Bill.—Petition of Nathaniel Hawes, Thomas Rodbard, John Ewer, Thomas Rogers and Richard Joyce, on behalf of themselves and others trading in butter and cheese in the cities of London and Westminster and parts adjacent. The Bill seems to make void the Statute of 14 Car. II. for remedy of abuses in weighing and packing butter, and thereby to set loose the makers to abuse Petitioners and their Majesties' subjects, as they have done and do daily, notwithstanding all the good provisions of that Statute, viz., in vending grease and decayed butter under a thin cover and inclosure of good butter, often packing great stones, great quantities of wet salt and other heavy trash in the body of the butter, and by augmenting the tare of the casks and abating the quantities of butter settled by that law, to the great damage of Petitioners and others that either vend or expend it. The Bill, if passed, is likely to disparage the commodity itself so much as greatly to discourage the transportation and expense of it in foreign parts. Pray to be heard by Counsel against the Bill. *Signed* by above-named and also by William Lea, Daniel Scott, Daniel Stanley, John Greening, John Field, John Jackson, Wm. Prince, Robert Adams, Henry Burton, John Moore, Richard Tirrell, Charles Berdoe, Roger Hazard, B. Smyth and John Rouss. L. J., XV. 89. [*See* No. **563**.]

565. Feb. 24. Judges' Commissions and Salaries Bill.—Commons' Engrossment (amended by the Lords)* of an Act for ascertaining the Commissions and Salaries of the Judges.

§ 1. The King and Queen's Most Excellent Majesties, taking into their Royal consideration the many evil consequences of the late practice of constituting Judges to hold their places only during pleasure, and that nothing conduces more to the good and safety of the people, and to the support of the true rights and dignity of the Crown, than the committing the administration of justice to men of known integrity and learning, and freeing them from temptation to corruption, by establishing on them sufficient salaries to support their dignity, and to recompense their employing their time and labour in the service of the public, and securing the constant and punctual payment of such salaries, have thought fit that it should be enacted, And be it enacted by, &c. That whosoever now is, or shall at any time hereafter be, constituted Chief Justice or one of the Justices of their Majesties' Court of Pleas to be held before their Majesties, commonly called the Court of King's Bench, or Chief Justice or one of the Justices of the Court of Pleas at Westminster, commonly called the Court of Common Pleas, or Chief Baron or one of the Barons of the degree of the Coif of their Majesties' Court of Exchequer, by their Majesties, their heirs or successors, shall by virtue of this present Act hold such place or office, so long as he shall well behave himself therein, unless he shall voluntarily surrender or resign the same, whether it be so expressed in his Commission, Writ or Patent or not, and in what terms or words soever the Commission, Writ or Patent constituting him Chief Justice or Justice, Chief Baron or Baron of the degree of the Coif in any of the said

* The amendments, which were made in C.W. H. on 23 Feb., are shown by italics in the case of additions, and square brackets in the case of omissions. They are supplied, with one exception (*see* § 5), from MS. Min. and C. J., X. 685.

Courts respectively, shall or may be conceived or written, And notwithstanding any clause or limitation in any such Commission, Writ or Patent to the contrary.

§ 2. And be it further enacted by the authority aforesaid, That every Chief Justice and Justice, Chief Baron and Baron of the degree of the Coif of the said Courts respectively, that now are or hereafter shall be, shall each and every of them respectively have and receive from their Majesties, their heirs and successors, the annual salary, pension or sum of 1000*l.*, to be paid them by four equal termly payments out of the Exchequer or Treasury of their Majesties, their heirs and successors, during their respective continuance to be Chief Justice or Justice, Chief Baron or Baron of the degree of the Coif of the said Courts respectively.

§ 3. And to the end the said salaries, pensions or annual sums may be duly paid every term, Be it enacted by the authority aforesaid, That the sum of 12,000*l.* by the year, part of the money arising by or from the duty of Excise or Rates, Impositions or duties upon beer, ale and other liquors granted to his late Majesty King Charles the Second, his heirs and successors, by an Act of Parliament made in the 12th year of his reign, entituled An Act for taking away the Court of Wards and Liveries and Tenures *in Capite* and by Knights Service and Purveyance, and for settling a Revenue upon his Majesty in lieu thereof, shall be and is hereby appropriated to the payment of the said salaries, pensions and sums, and that the Receiver and Receivers, Farmer and Farmers of the said duty shall before the end of every term pay into the Exchequer or Treasury of their Majesties, their heirs and successors, the sum of 3000*l.* for the said salaries and pensions, and shall take a receipt for the same, wherein it shall be expressed to have been paid in for the said salaries or pensions, and the Auditor of the Receipt of the Exchequer shall keep a Book or Register, in which the said sum of 3000*l.* so paid in shall be registered and entered distinct from all other money paid in upon any other account, and the said 3000*l.*, which from time to time shall be so paid in, shall be kept apart and separate from any other money in their Majesties' Exchequer or Treasury, and shall be called the Judges' money, and shall be issued out for the payment of the said salaries or pensions of the said Chief Justices and Justices, Chief Baron and Barons respectively and upon no other account whatsoever; and the Commissioners of the Treasury or Lord Treasurer, Under Treasurer or Commissioners of the Treasury for the time being, shall not sign any warrant or order, nor do any other matter or thing, nor shall the Auditor of the Receipt or Writer of Tallies draw any order for the issuing any part of the said money hereby appropriated to any person or persons other than the said Chief Justices and Justices, Chief Baron and Barons, nor to any of them, otherwise than according to their respective proportions of the same, nor shall any Teller make payment of any part of the said moneys to any use whatsoever otherwise than by this Act is directed.

§ 4. And be it further enacted by the authority aforesaid, That within three days after the end of Easter term which shall be in the year 1692, and of every succeeding term, a Tally shall be struck and an Order of the same date for payment of the sum of 250*l.* to each and every of the said Chief Justices and Justices, Chief Baron and Barons, shall be made and registered by the proper officers and sent to the said Chief Justices and Justices, Chief Baron and Barons respectively, upon tender of which Tally and Order to the Teller, he shall immediately make payment of the said money without any further or other order or warrant by virtue of this Act.

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§ 5. And be it further enacted, That if the said Receiver or Receivers, Farmer or Farmers of the said duty of Excise, or any officer or officers mentioned in this Act, shall willingly and wilfully offend against this law [or any clause thereof], such Receiver or Receivers, Farmer or Farmers, Officer or Officers shall for every such offence forfeit the sum of 300*l.* to such Chief Justices or Justices, Chief Baron or Barons as shall be injured or damaged thereby,* and the said sum of 300*l.* shall or may be recovered in any of their Majesties' Courts of Record by bill, plaint or action of debt, in which no privilege, protection or wager of law shall be allowed or more than one imparlance.

§ 6. Provided always, and be it further enacted by the authority aforesaid, That if at the end of the said Easter term or any other succeeding term, there shall remain any of the money by this Act appropriated and made the Judges' money by reason of any vacancy having been of any of the said offices or places of Chief Justice or Justice, Chief Baron or Baron for the space of one term or longer time, such money so remaining shall cease to be appropriated and shall be paid back and restored to the General Receipt of the Exchequer of their Majesties, their heirs and successors, and be disposable and disposed as any other of their Majesties' treasure, anything in this Act to the contrary notwithstanding.

§ 7. Provided always, and be it further enacted, That no fee shall be taken by any Chief Justice or Justice, Chief Baron or Baron, or by any officer attending the said Courts, or by any Clerk of Assize or his deputy, or by any Clerk of the Peace or his deputy, or by any other person to their or either of their use, for or by reason of the entry of any cause to be tried, trial or proceedings in any cause in any of the Courts at Westminster Hall, or in or at the Courts of Assize and *Nisi Prius* Courts of Oyer and Terminer and Gaol Delivery or Court of Sessions in and for any city, town and county, or for passing the Sheriff's accounts, other than such ancient *and* legal fees as have [always] been allowed and taken, a Table of which, signed by the Judges of the respective Courts, shall be hung up for public view in the said respective Courts or near thereunto, where all persons concerned may have access to the same during all the time of the Session of the Judges or Justices in the said Courts,† *which Table, so allowed and signed by the respective Judges, shall be by them tendered to the consideration of the Parliament at the next Session, to be by them approved or altered, so as to be put into an Act, if they shall think fit,* and all fees taken by any of them, or by any Officer attending the said Courts, or by any other person to their or either of their use, other than such as shall be expressed in such Table, so signed and hung up as aforesaid, are hereby declared to be an extortion upon the people; And it is hereby enacted by the authority aforesaid, That all and every person and persons offending herein shall forfeit to the party grieved the sum of 40*l.*, to be recovered by action of debt, bill, plaint or information, wherein no essoign, privilege or wager of law, nor any more than one imparlance, shall be allowed. *Marked:* Soit baillé aux Seigneurs. A ceste Bille les Seigneiures avecque les Amendements sont assentus. Le Roy et la Reyne se advisaront. *Parchment Collection.* [Brought from the Commons 18 Feb.‡ and

* The Engrossment here (Press 4, line 13) shows nearly 6 lines erased, but the words omitted are not given either in MS. Min. or in. C. J., X. 685.

† The words here in italics are annexed to the Roll as a separate Schedule A. The amendment is given in C. J., X. 685, but not in MS. Min.

‡ The Bill had been presented in the Commons by Sir Walter Young. C. J., X. 583.

read 1ª next day. (L. J., XV. 83, 84.) In C. W. H. on 22 Feb., E. Bridgewater in the Chair, the Bill was read through. Title and Preamble read and postponed. [House adjourned during pleasure. House resumed.]* *Judges* heard how a Judge is to be accountable for any misdemeanour now. *Moved*, That if any Judge comes to be tried, he may be tried by all the Judges, and so to come hither by writ of Error. *Question* put: Whether such a Clause be drawn. Resolved in the *Negative*. [*Moved*]: That if a Judge give a corrupt judgment, the party grieved may bring his action for bribery, corruption or interest against the Judge. That the King may sue any Judge for misdemeanour in the Exchequer Chamber. *Proposed*: A way to shorten the proceedings upon Judges. A Clause to be drawn to take away a *Noli Prosequi*. *Proposed*, That there be a penalty upon any person that shall prosecute a Judge and not prove it. *Question* put: Whether a Clause shall be added to the Bill, that, if a Judge give a corrupt judgment, the party grieved may bring his action for bribery, corruption or interest against the Judge. Resolved in the *Negative*. First enacting Clause read again. House resumed, and *E. Bridgewater* reported, that there was a Clause proposed that, if a Judge give corrupt judgment, the party grieved may bring his action for bribery, corruption or interest against the Judge, and that in that case no *Noli Prosequi* shall be allowed, and that the Committee were of opinion that it should be rejected. *Question* put: Whether to agree with the Committee. Resolved in the *Affirmative*. Contents, 28 (including 5 Proxies); Not-Contents, 27 (including 6 Proxies). Tellers, E. Thanet and E. Monmouth. *Moved*, that the House be adjourned during pleasure and put into Committee on the Poll Bill. After debate, *Question* put: Whether the House shall now proceed in a Committee of the whole House upon the Judges' Bill? Resolved in the *Negative*. Contents, 28; Not-Contents, 35. Tellers, E. Feversham and L. Berkeley. *Moved* that the House be adjourned until to-morrow. After debate, *Question* put accordingly. Resolved in the *Negative*. Contents, 40 (including 9 Proxies); Not-Contents, 40 (including 7 Proxies). Tellers, E. Feversham and L. Berkeley. (MS. Min.; L. J., XV. 88.)

On 23 Feb. House in Committee, E. Bridgewater in the Chair. Clauses 1 to 6 were agreed to; the first, after debate, on question, the third on question, and the fifth with amendments. On considering Clause 7, the Judges were asked what were the ancient fees. *L. C. Baron* [*Atkyns*]: If he take unlawful fees, it is extortion. We have Books of fees. I have my father's Book of fees. *Mr. Baron Lechmere* heard also. The Clause was then agreed to with amendments. The Bill was reported with amendments and read 3ª the same day. (MS. Min.; L. J., XV. 89.) Royal Assent refused, 24 Feb.(L. J., XV. 92.)]

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566. April 12. Leach *v.* Thompson.—Copy of Writ of Error and of Transcript of Record. Thompson brought an action of ejectment in the Common Pleas against Sir Simon Leach and others, upon the demise of Charles Leach, of the manor of Bulkworthy, and obtained a verdict, which was affirmed by the King's Bench.† The Writ of Error is to reverse this Judgment. [Brought in this day. (L. J., XV. 95.) The Cause was heard on 23 Dec. 1692. The *Attorney-General* and *Mr. Finch* having been heard for Plaintiff, and the *Solicitor-General* and *Mr. Ward* for Defendant, and several cases

* This entry in MS. Min. must refer to an adjournment of C. W. H.

† 1 Shower's Reports, 296; 3 Levinz, 284; 2 Ventris, 198. The Appeal before the Lords is reported in Shower's Cases in Parliament, 150.

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having been recited on each side, Counsel withdrew and the Speaker reported. The Judges were then heard. *Treby, C. J.:* I am for the affirmance of the Judgment. Gives his reasons for it. *L. C. Baron* [*Atkyns*]: I take the Judgment to be erroneous. *Powell, B.:* I am of opinion it is a good Judgment. Gives his reasons for it. It is a conveyance the law requires. *Judges* heard to several questions asked them by the Lords, and debates arose upon the several points. *Holt, C. J.*, heard to the infancy, of consenting (*sic*). After debate, Judgment reversed, with a Protest.* (MS. Min., L. J., XV. 165.) For further proceedings, *see* Notes to Annex (*c.*) below.]

Annexed:—

(*a.*) 3 Dec. 1692. Petition of Thomas Thompson for an early day for hearing. L. J., XV. 133.

(*b.*) 10 Dec. 1692. Petition of Sir Symon Leach, K.B. Prays for a further day for hearing, being sick and unable to attend his counsel, as appears by the certificate of his physician. *Underwritten* is the certificate, signed by Rich. Robinson, M.D., and Sam. French, Pharmacopola. L. J., XV. 142.

(*c.*) 6 Feb. 1692–3. Petition of same, on behalf of himself and about 30 of his tenants. Defendants, in contempt of their Lordships' Judgment, have proceeded further in the Common Pleas, in order to obtain a new trial on the title already adjudged by the House. Prays for relief. L. J., XV. 217. [The House having this day ordered one Counsel to be heard on each side on this Petition, Counsel were called in on 9 Feb. *Mr. Gibbons* (for Petitioner) opens the case. *Mr. Sloane* (for Mr. Leach, son and heir of the Leach who made the surrender): We acquiesce in your Lordships' Judgment. We have brought a new ejectment, as that Mr. Leach is son and heir of him who made the surrender, who was an idiot. There are depositions taking in Chancery to prove the idiocy and to perpetuate the testimony. It has not been here upon a Bill of Right. *Mr. Gibbons* says the Attorney was present at the Bar, when the Cause was heard here. Counsel withdrew and Speaker reported. *Moved*, that if a person have two titles, and one determined here, they may not proceed on the other. That the Judges be asked the question. *Holt, C. J.:* Possession must go as the Judgment of this House. *Ordered* that the Petition be dismissed,† &c. as in L. J., XV. 222. (MS. Min.)]

567. April 12. E. Lincoln (Assault on Webb).—Parchment Documents (5) relating to the alleged murder of Anthony Webb by E. Lincoln and his servants. *Parchment Collection.* [Brought in this day by L. C. Justice Holt. (L. J., XV. 94.) The MS. Min. add as follows:—*E. Lincoln* appeared this day in the House, pursuant to the Recognizance, and prayed that his Appearance might be recorded. *C. J. Holt* delivered to the House the Earl's Recognizance for his appearance this day, and the Inquisition found by the Jury. *Judges* asked what can be done in this case. *Holt, C. J.:* The Recognizance is not discharged, unless your Lordships take new bail. It seems to me most proper to take new bail. *Lechmere, B.:* I know no inconvenience

* The MS. Min. of 29 Dec. contain the following entry, which is not in L. J.: "Leave given for any Lord to protest to the Judgment of Leach *v.* Thompson."

† Here follow these words in MS. Min., which were subsequently expunged: "And the party have liberty to proceed, and that nothing shall be done in the Courts below to impeach the Judgment of this House in point of law, of the validity of the surrender in point of law."

whether to let him stand on the old or a new bail. *Ordered* (*sic*) the Recognizance be continued and the Appearance recorded? *Question* put: Whether the Earl of Lincoln's own Recognizance shall be taken for his appearance in this case? Resolved in the *Affirmative*. *Ordered*, That the former Recognizance be discharged. Then *E. Lincoln* entered into a Recognizance. (L. J., XV. 94. *In extenso*.) The MS. Min. add: The reason for taking the Earl's own Recognizance in this case is because a person in the same Indictment and Coroner's Inquest for the same fact has received his trial at the Newgate Sessions and was acquitted, and the person supposed to be murdered, found by the Jury to have died a natural death.*] The documents are as follows:—

(*a*.) Writ of Certiorari to C. J. Holt for bringing up E. Lincoln's Recognizance to appear this day in Parliament, to answer the murder and felonious killing of Anthony Webb. *Dated* Westminster, 11 April 1692. *Endorsed* with C. J. Holt's Return to the Writ.

(*b*.) Recognizance entered into before C. J. Holt, at his house in St. Andrew's, Holborn, by Edward, E. Lincoln, in 4,000*l*., and by the following sureties in 2,000*l*., viz.:—

Sir Thomas Rowe, Knt., of St. James', Clerkenwell;
Sir John Mordant, Knt., of St. Andrew's, Holborn;
Richard Harnage, Linendraper, of St. Paul's, Covent Garden;
Richard Dealing, Upholster, of Ditto;
Richard Wynn, Esq., of Inner Temple, London;

for the Earl's appearance in Parliament on 12 April 1692, and thereafter from day to day, until he shall be discharged. *Sealed* with C. J. Holt's seal.

(*c*.) Writ of Mandamus to Justices of Peace, of Gaol delivery and of Oyer and Terminer for Middlesex, to deliver into Parliament the Coroner's Inquest and proceedings in this matter. *Dated* Westminster, 11 April 1692. *Endorsed* with C. J. Holt's return to the Writ.

(*d*.) Inquest held on 25 Feb. 1692 in the parish of Kensington, before John Cowper, Esq., Coroner, on the body of Anthony Webb, Gent., with the following Coroner's jury, viz.:—

John Hatter	John Hamond	William Berry
Will. Theakston	Ferdinand Unsworth	John Larchin
Rich. Sexton	John Hyrne	John Ruborough
Chas. Fitzwaters	Thos. Eustace	Samuel Worrell
John Symmonds	Thos. Tooby	William Hare
William Cole	Thos. Berry	John Wood
		Andrew Bantham.

The jury find that Edward, E. Lincoln, and Thomas Atkyns and Thomas Selby, labourers, all of the parish of Kensington, on 4 Nov. 1691 assaulted Anthony Webb, and that Atkyns threw him down and beat him with "a wooden staff, worth 4*d*.," of which wounds he died on 24 Feb. 1691–2; that E. Lincoln and Selby were present and assisting; that the three feloniously killed and murdered Webb; and that, immediately after the

* "The Earl of Lincoln having caused his man to beat a boy in November last, for gazing at him in the street, and the boy being since dead, the coroner's inquest yesterday found it murder in my Lord and his servants; but two physicians, who opened the boy, are of opinion that he died of an imposthume; however, the servant is secured, and a tipstaff attends my Lord."—*Luttrell*, 1 March 1691–2.

assault, E. Lincoln and Selby fled away and withdrew themselves, and the Jury do not know what property, if any, they possess. *Signed* John Cowper, Arm. Coroner.

(*e.*) Proceedings at the trial of Atkyns and Selby at Justice Hall in the Old Bailey, on 6 April 1692, before the following :—

Sir Thos. Stampe, Knt., Lord Mayor.
C. Justice Holt.
C. Baron Atkyns.
Si Edward Nevill, Knt., Justice of K.B.
Sir Robt. Jefferys, Knt. } Aldermen.
Sir John Moore, Knt. }
Martin Ryder, Esq.

The Record recites the delivery by the Coroner of the Inquest, which is set out at length, and the bringing into Court of Atkyns and Selby in the custody of the Sheriffs, Sir Thos. Ashurst and Sir Richard Levett. The prisoners pleading Not Guilty, the following jury was impanelled, viz. :—

Jas. Partridge	Thos. Cox	John Browne
Francis Chapman	John Owting	Henry Gane
John Mills	Wm. Parkinson	James Cole
Ralph Goodin	Edward Salter	Christopher Yewell.

The jury returned a verdict of Not Guilty, and found that Webb on 24 Feb. 1691–2 and long before was sick of "a consumption," and died of that disease, by the visitation of God. The Court accordingly discharged the prisoners. *Signed* by Simon Harcourt, Clerk of Gaol Deliveries for the County of Middlesex. *Note* at foot : "12 April 1692. Brought into the House of Peers by the Lord Chief Justice of the King's Bench. Jno. Walker, Deput. Matth. Johnson, Cler. Parliamentor."

568. April 12. Winder *v.* Swindlehurst.—Writ of Error, with Return of C. J. Holt endorsed thereon, and Transcript of Record brought in this day. Roger Swindlehurst, of Slaidborne, sued, at York Assizes, Edmund and Thomas Winder and Henry and John Chapman, all of York Castle, yeomen, for detaining three cows and a calf, a mare and foal, some farm produce and implements, and household furniture, worth 27*l.*, his property, and converting them to their own use, and was adjudged 20*l.* costs and damages, and, on their appeal, 9*l.* L. J., XV. 95. *Parchment Collection.* [The Cause never came to a hearing.]

569. April 12. Prorogation.—Commission for proroguing Parliament this day to 24 May next. L. J., XV. 95. *In extenso. Parchment Collection.*

570. May 24. Prorogation.—Commission for proroguing Parliament this day to 14 June next. L. J., XV. 96. *In extenso. Parchment Collection.*

571. June 14. Prorogation.—Commission for proroguing Parliament this day to 11 July next. L. J., XV. 97. *In extenso. Parchment Collection.*

572. July 11. Writ of Summons (L. Lempster).—Writ of Summons to William Farmor de Lempster, Chr. *Dated* 2 July. [Introduced and took the Oath this day.] L. J., XV. 98. *In extenso.*

573. July 11. Prorogation.—Commission for proroguing Parliament this day to 22 August next. L. J., XV. 98–9. *In extenso. Parchment Collection.*

574. Aug. 22. Prorogation.—Commission for proroguing Parliament this day to 26 Sept. next. L. J., XV. 100. *In extenso. Parchment Collection.*

575. Sept. 26. Prorogation.—Commission for proroguing Parliament this day to 4 Nov. next. L. J., XV. 101. *In extenso. Parchment Collection.*

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576. Nov. 4. King's Speech.—His Majesty's Speech on opening Parliament. L. J., XV. 102. *In extenso.*

577. Garter's Roll.—A Roll of the Nobility of England, anno 1692. *Signed* Tho. St. George, Garter, 4 Nov. 1692. *Parchment Collection.*

578. Nov. 4. Mortgages (Clandestine) Bill.—Draft of an Act for preventing frauds by clandestine mortgages. Identical with Act of 1692–3 (4 W. & M. c. 16., Fol. Ed.), except in making the Act begin on 24 June 1692. [Read 1ª this day; dropped after commitment (L. J., XV. 103, 105). Justice Powell was substituted for Justice Gregory as one of the Judges appointed to assist the Committee. (MS. Min.) No proceedings in Com. Book.]

Annexed:—

(*a.*) 7 Nov. Draft Order appointing Committee on the Bill. The list of Lords includes L. Ashburnham, whose name is not in L. J., XV. 105., and gives L. Willoughby de Eresby instead of L. Willoughby of Parham.

579. Nov. 7. Moore *v.* Coote.—Petition and Appeal of William Moore, Esq., and Elizabeth, Countess of Meath, his wife. William, late Earl of Meath, in 1682 conveyed the manor of Harleston, worth above 800*l.* a year, to Alice, Countess Dowager of Drogheda and John Humfrey, in trust for himself for life, with power to sell it for payment of his debts, and after his death to raise, out of such land as remained unsold, 100*l.* a year for each of his two daughters, the Lady Elizabeth, wife of the Respondent, and the Lady Katharine Brabazon, and after paying all his debts at the time of his death, to divide the surplus equally between his two daughters at the age of 18 or at marriage. The Earl afterwards, having sold most of his trust estate and paid most of his debts, and seeing there would be a surplus of about 2,000*l.* apiece for his daughters, (which were the portions provided for them by his marriage settlement), and having, besides his trust estate, a personal estate of about 1,000*l.* in Ireland and England, devised the latter by will, in May 1684, to his wife, the Petitioner Elizabeth, whom he made his sole executrix, intending her to enjoy it, in case the trust estate was sufficient, as it was, to pay all his debts with the said surplus of 4,000*l.* He afterwards contracted for the sale of the whole trust estate, but died before the conveyances were made, and in Feb. 1684–5 made his last will in relation to his estate in England (which was the trust estate only), devising it to the said trustees, whom he made executors as touching that estate only, but confirming his former will as to his personal estate in favour of Petitioner Elizabeth. The Earl's executors and trustees suffered her to enjoy the personal estate undisturbed, but his daughter, the Lady Elizabeth, and the other Respondent Coote, having married, brought their Bill in Chancery to compel Petitioners to account for the personal estate and apply it to discharge the Earl's debts, and the Lords Commissioners on 27 Jan. 1692 decreed in their favour. Pray that this Decree may be reversed. *Signed* by Appellants; *Countersigned* by J. Conyers and T. Vernon

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(whose signatures are copied). L. J., XV. 105. [The Cause was heard on 17 Dec. 1692. *Mr. Conyers* (for Appellants) opened the Case. *Mr. Finch* (for Appellants) heard also upon the two wills. Upon the two wills the settlement stands, and upon these two wills is the construction made. Therefore, say they, the whole personal estate must be applied. *The Solicitor-General* (*Trevor*) and *Sir Thomas Powys* heard for Respondents. Counsel for Appellants reply. Counsel withdrew, and Speaker reported. After debate, *Question* put: Whether the Decree shall be reversed? Resolved in the *Negative*. Contents, 15; Not-Contents, 19. Tellers, E. Sussex and E. Stamford. *Ordered* that the Decree be affirmed. (MS. Min.; L. J., XV. 151.)]

Annexed:—

(*a*) 15 Nov. 1692. Answer of Sir Phillip Coote, Knt., and Elizabeth, his wife. Respondents admit that the Earl in his life-time contracted for the sale of part of his manor, but are not aware of his having made any conveyance, so that the manor or trust thereof descended to the Respondent Elizabeth and her sister as heirs-at-law, and for that reason, the persons who had so contracted with him brought their Bill in Chancery, after his death, against the said sisters to have the contract made good and a conveyance made to them. The Respondent Elizabeth insisting that the Earl's personal estate should be applied in the first place in payment of his debts, it was, with the consent of the Appellant Elizabeth, who was then unmarried, decreed accordingly. The Earl never designed his personal estate for the Appellant Elizabeth, having settled on her a jointure of 1,000*l.* a year, besides the lease devised to her by his will; but he intended it to pay his debts and thus ease his daughters and heirs-at-law, having offered in his lifetime to give 6,000*l.* with the Respondent Elizabeth in marriage, which one moiety of the surplus of the trust estate and another of the personal estate will not amount to. The Earl made two wills, one for his trust estate and the other for the personal estate, by neither of which is the personal estate given to the Appellant Elizabeth, but after his debts and legacies first paid. Pray that the Appeal may be dismissed with costs. *Signed* by P. H. Coote; *Countersigned* by P. Bowes. *Endorsed* as brought in this day.

(*b*.) 3 Dec. 1692. Answer of Lady Katherine Brabazon to same effect as preceding. *Signed* by Respondent; *Countersigned* by P. Bowes, whose signature is copied. *Endorsed* as brought in this day.

580. Nov. 7. Wycherley and others *v.* Mayor, &c. of Shrewsbury.—Petition and Appeal of Daniel Wycherley, Esq., on the behalf of himself and others, the inhabitants of Clive and Sansawe, in the County of Salop, and of John Hughes, William Turner, Samuel Orppe and Thomas Authors, late Curates of the Chapel of Clive in the County of Salop. The Chapel of Clive and Sansawe was a propriate to the Collegiate Church of St. Mary's, Shrewsbury, which took the tithes and supplied the cure, lying 6 miles from Shrewsbury. At the Dissolution the tithes were vested in the Crown, and Edward VI. founded a free Grammar School at Shrewsbury and granted the tithes to the bailiffs and burgesses of the town, without making any provision for service in the Chapel. Queen Elizabeth, by indenture dated 23 May in the 13th year of her reign, as well for the better advance of the School as for the maintenance of service in the Chapel, granted to the bailiffs &c. the rectory impropriate of Cherbury, but appointed no

particular sum either to the School or Chapelry, but the premises are a trust lodged in the Corporation for the equal benefit of both. Though the premises are worth 400*l.* a year and upwards, and the schoolmasters have therewith had houses bought and built for them and a library provided for the School, and their annual salaries are 200*l.*, and more than 600*l.* has been laid out in buying Scholarships at Cambridge University (a use designed by neither of the grants), there still remains 100*l.* a year to be disposed of. The premises in the Queen's grant are improved from 31*l.* to nearly 200*l.* a year, yet the Corporation refuse to allow more than 5*l.* a year to the Chapelry of Clive, which contains above 40 families, including about 120 communicants, and Petitioner has been forced to advance money for the curates out of his own estate. By advice of counsel, he exhibited an Information in the Attorney General's name against the Corporation and Andrew Taylor and Robert Forster, then head-schoolmaster and bailiff, to have a reasonable proportion of the grant applied yearly for Divine service in the Chapel, according to the Queen's intention, but the Lords Commissioners on 21 November 1691 dismissed the Information with costs, though the same was prosecuted solely out of a pious design and without any hopes of advantage to himself. Prays that this Decree of dismission may be reversed. *Signed* by D. Wycherley; *Countersigned* by W. Williams and Ja. Harrington. L. J., XV. 104. [The Cause was heard on 16 Dec. *Sir William Williams* (for Appellants): Our case is hard. We have law and equity too. Reads the Grant &c. 5*l.* a year is out of Cherbury. Their Answer admits it to be 365*l.* 15*s.* 10*d.* a year, and we affirm it to be 400*l.* and odd, so there is 70*l.* in their hands. *Mr. Finch* and *Sir Thomas Powys* heard for Respondents. *Sir W. Williams* and *Mr. Dobyns* heard in reply. Counsel withdrew and Speaker reported. *Proposed* to ask the Judges. *Treby, C. J.:* I do not observe the power, but in all there is the general intent of the Charity; as to build a bridge or the like. *L. C. Baron:* I think the power is in the Crown in this case, it being of Royal foundation, and the Crown may change it. After debate, the dismission was ordered, on question, to be reversed. (MS. Min.; L. J., XV. 150.)]

Annexed:—

(*a.*) 25 Nov. 1692. Answer of the Mayor, Aldermen and Burgesses of Salop. Edward VI. granted all the tithes of Clive and Sansawe and other tithes, now worth 100*l.* a year, to the bailiffs and burgesses of Shrewsbury, at 8*s.* yearly rent and with a licence for them to purchase any hereditaments not exceeding 20*l.* a year for the School maintenance. Queen Elizabeth, being seized in fee of the reversion of several tithes and hereditaments, being another part of the endowment of St. Mary's College, expectant on a lease for 21 years, made to one Kelton at a yearly rent of 11*l.*, and of the reversion of the rectory appropriate of Cherbury, and the tithes and profits thereof, expectant on another lease for 21 years, made to one Billmore at a yearly rent of 31*l.*, and of other tithes &c. in possession, part of the endowment of the dissolved College of St. Chad's, granted the same to the said bailiffs &c. at a yearly rent of 10*l.* 12*s.* 3*d.*, the Corporation covenanting to discharge several yearly pensions and duties, amounting to 10*l.* 12*s.* 4½*d.* issuing out of the rectory of Cherbury, and, after the expiration of the term then being of the said rectory, to employ out of its profits 5*l.* a year towards the maintenance of Divine Service in the Chapels of Clive and Astley, and to satisfy two stipends of 13*l.* 6*s.* 8*d.* and 6*l.* 13*s.* 4*d.* to the vicar and curates of St. Mary's, and to employ the rest of

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the premises for the maintenance of the School, according to such orders &c. as should be made by Thos. Ashton, the then Schoolmaster, or in default thereof, by the Bishop of Coventry and Lichfield and Dean of Lichfield, and to perform such orders touching the placing, ordering and salary of a Minister in St. Mary's parish, with a clause of entry for non-performance. Various ordinances were accordingly made by Mr. Ashton and the Corporation, and by a Decree in Chancery in 21 Jac. I. the schoolmasters' stipends were fixed at 60*l.* to the head-master, with another 20*l.* for reading Divine Service and catechising the scholars; 45*l.* to the second master, 30*l.* to the third, and 20*l.* to the fourth; the said masters to account on oath for all entrance money received by them, which was to be applied as the other part of the revenue. The whole yearly revenues amount only to 365*l.* 15*s.* 10*d.*, of which the premises granted by Edward VI., worth 100*l.* a year and not subject to Appellants' demands, are part, and the rectory of Cherbury, another part, has been held under the Corporation for 20 years at 165*l.* 1*s.* 0*d.* a year, though now but at 144*l.* The 5*l.* payable by the Queen to the curate of Clive was not to commence during Billmore's lease or before the whole profits of the rectory came in possession, and the same has been duly paid yearly by the Corporation to the curates by them appointed, though the Appellant obstructed several of them in officiating there, and the persons now set up by him as curates are persons of his own appointment in opposition to the Corporation, with whom the right of appointing lies. In 1662 Appellant procured a Commission to visit the School, and petitioned Charles II. to have the curate of Clive's salary augmented, but the Bishop, to whom the Petition was referred, did not think fit to report in his favour, and the matter fell. The suit has left the Corporation on the School account 300*l.* in debt, and the masters' stipends are unpaid and the School buildings unrepaired. Queen Elizabeth never intended more than 5*l.* for the chapel, and the funds do not admit of any increase at present. The curate of Clive has only 40 communicants, while the curate of St. Mary's, with only 20*l.* a year, has 2000. It would be hard to apply the scholarships at St. John's, Cambridge, for increasing the 5*l.* stipend, since they were bought with the profits of the lands granted by Edward VI., which were not subject to the payment of this stipend. Pray that the Appeal may be dismissed with costs. *Signed* by John Hollier, Mayor, and Edward Gosnell, Robt. Wood, Collins Wolrich, Richd. Salter, Samuel Thomas, Arthur Tonge and W. Reynolds, Aldermen, and sealed with the seal of the Corporation on 22 Nov.; *Countersigned* by Thomas Price. *Endorsed* as brought in this day.

(*b.*) 28 Nov. 1692. Petition of Respondents for an early day for hearing. *Signed* by John Hollier, J. Kynaston, Richd. Salter, Moses Reynolds and Collins Wolrich. L. J., XV. 127.

581. Nov. 8. Jacobite Plot (Earls of Huntingdon, Marlborough and Scarsdale).—Copy Warrant to the Governor of the Tower for commitment of E. Huntingdon, for High Treason, viz^{t}:—

These are in their Majesties' names to will and require you to receive into your custody the person of Theophilus, Earl of Huntingdon, herewith sent you, being charged with high Treason in abetting and adhering to their Majesties' enemies, and him to keep in safe custody, until he shall be delivered by due course of law. For which this shall

be your Warrant. From the Council Chamber in Whitehall, the fifth day of May 1692.

To our very good Lord the Lord Lucas, Chief Governor of their Majesties' Tower of London, or to his Deputy.

CARMARTHEN, P.
NORFOLK AND MARSHAL.
LINDSEY. DEVONSHIRE.
WINCHESTER. DORSET.

A true copy.
JO. RICHARDS.

ROCHESTER. BEDFORD. MOUNTAGUE.
J. BRIDGEWATER. MACCLESFELD. NEWPORT.
NOTTINGHAM. LEXINGTON. RANELAGH.
CORNWALLIS. FALKLAND. CAPELL.
H. GOODRICKE. R. HAMPDEN. SYDNEY.
H. POWLE. OXFORD. PORTLAND.
H. BOSCAWEN. BATH.

Endorsed as read in Committee this day. [On 7 Nov. *E. Huntingdon*, *E. Scarsdale* and *E. Marlborough* informed the House that they had been committed and were then under bail within the time of privilege of Parliament.* *Moved*, that a day be appointed to consider of the business and examine it, and that all the Judges do then attend, and no other business to intervene. *Moved* that they be discharged from their bail. *Ordered* that L. C. Justice Holt be sent for presently to attend, with all the Judges of the King's Bench. *The Judges* came, and *L. C. Justice Holt* and the other Judges were heard, and they were of opinion that it must be removed by a Writ of Error. Case of L. C. Justice Scroggs cited. *The Judges*, in reply to a question, say they cannot in justice discharge until the last day of the term. *Holt, C. J.*, is heard to E. Lincoln's case:† "The case" he said "was between E. Lincoln and myself. I bailed his Lordship, and sent the Recognizance thither. The Parliament then was sitting in law. There was a *Certiorari* out of Chancery to me to certify it hither, which I did." *Moved* that the King's Bench be ordered by this House to discharge the bail of these Lords. After debate,‡ the House referred the matter to the Committee for Privileges, to whom the Lieutenant of the Tower was ordered to produce the warrants for the commitment of E. Huntingdon and E. Marlborough, and the Clerk of the Rules in the Court of King's Bench to send a copy of the Affidavit of Aaron Smith against E. Huntingdon and others in the King's Bench in Trinity term last. (MS. Min.; L. J., XV. 105.)

On 8 Nov. the Committee for Privileges, after reading the two Warrants brought in by the Deputy Governor of the Tower§—the originals of which were ordered to be returned—and also Aaron Smith's Affidavit,‖ and considering the following precedents, viz^{t}:—

E. Stamford's Case, 11 Nov. 1685.
L. Griffin's Case, 22 March 1688.
E. Lincoln's Case, 12 April 1692.
L. Delamer's Petition, etc., 9, 10 and 16 Nov. 1685.

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* "The suffering Lords," says Ralph, "opened the matter by making their several complaints, and laid their great stress on the circumstance of their being refused bail on Smith's affidavit, and the want of information against them by oath of two witnesses" (ii. 389).

† *See* No. **567** above.

‡ Luttrell speaks of "warm debates," and adds that Nottingham was questioned about the commitment, and gave an account of it, saying there was "an irreproachable witness against his lordship [E. Huntingdon], but mentioned not his name."

§ *See* Paper above and Annex (*a*).

‖ Annex (*b*).

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Ordered to report that they found many difficulties in the case and desired the further directions of the House. (Priv. Book, L. J., XV. 106.)

On 9 Nov. the House, on receiving the above report, resolved itself into Committee, L. Cornwallis in the Chair. *Moved*, to ask the L. C. Justice whether, when these Lords were brought to the King's Bench, if he had not done what he has done, he would have been punishable by law? *Holt, C. J.*: For the point of law upon the Habeas Corpus Act, if anyone come to be (*sic*) and repeats the Habeas Corpus Act, if we discharge this person, without the King's consent, before the last day of the term, we do injustice to the King and contrary to his oath. Q. Whether it had been against the Habeas Corpus Act if he had bailed them to appear here? A. We have direction to bail till next term; we are not at discretion, if an indictment had been found. It is not proper to send them before your Lordships for want of an indictment. The E. Lincoln's case was a matter of discretion in me. Q. Whether, if the Parliament had been actually sitting, he could have bailed them to appear in this House? A. According to the Act, we could not, we have no warrant in law to do it. [The Clause in the Habeas Corpus Act is read]. By law this bail cannot be removed.*—House resumed. *E. Huntingdon* moves that the reason of his commitment may be examined. *E. Scarsdale* desires it may be examined whether there is anything against him, either upon oath or otherwise. *E. Marlborough* hopes he may be taken into the protection of the House, as well as others. *The three Lords* desire the protection of the House. *Ordered*, that the House enter into consideration of the commitment of the three Lords tomorrow, and that all the grounds for their commitment be then brought in.† (MS. Min.; L. J., XV. 107.)

On 10 Nov. in the House, the Warrants and Smith's Affidavit were read again. *Holt, C. J.*, is asked how Affidavits have been used? A. I cannot tell. We had the matter of the Affidavit debated, and we were of opinion this Affidavit was pursuant to the Habeas Corpus Act. That part of the Habeas Corpus Act was read. *Ordered* that Aaron Smith be sent for. *Holt, C. J.*, is asked whether, if there is but one witness, it is enough to remand a person? A. It is not our business to enquire into the King's evidence. I think one witness is not evidence. House informed that Aaron Smith is at the door. The Question to be asked him is, whether he meant by that Affidavit two witnesses against E. Huntingdon? *Aaron Smith* is called in and told he made an Affidavit in the King's Bench, and their Lordships would have him explain what he meant by some words in the Affidavit, and he was told he was not concerned. A. He desires a saving to himself, and to know the questions. He withdraws. *Moved* that the Question be set down before he be sworn. *Agreed* to ask him this Question: Whether he meant by his Affidavit there were two witnesses against E. Huntingdon? *Aaron Smith* is recalled and told he would be asked the above question. He desires the form of the Oath might be read to him. He withdraws. He is recalled and told this question: Whether in the Affidavit you made in the King's Bench you meant two witnesses against E. Huntingdon were not ready, and the Oath shall be constrained to that.

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* "It was proposed," says Ralph, "that the recognizances might be removed to the House of Peers, as the Supreme Court, but the Lord Chief Justice Holt undertaking to show that it could not be done, the House acquiesced in his opinion, and the motion was dropped" (ii. 389). No such "motion," as will be seen above, was ever made.

† A marginal note in MS. Min., at the head of these proceedings, states: "Nothing to be entered."

A. I beg I may see my original Affidavit. Q. Whether there were two witnesses against E. Huntingdon? He withdraws. *Agreed* to ask him, Whether at the time that [he gave his evidence] *the E. Huntingdon was remanded by the Court of King's Bench*, [he knew there were two witnesses against his Lordship] *there were two witnesses?* * He is recalled again and asked:† Whether, at the time the E. Huntingdon was remanded by the Court of King's Bench, there were, to your knowledge, two witnesses upon oath for high treason against his Lordship? A. I desire time to peruse papers. He withdraws. He is recalled again and told by the Speaker he is to offer the question to him once more, which he did. He desires to see his own Affidavit. He was then sworn and answered:† I cannot say that there were two witnesses upon oath. There was other evidence. There was one upon oath. *Moved* to ask the L. C. Justice whether one witness upon oath is a sufficient ground for remanding a person upon the Habeas Corpus Act? *Holt, C. J.:* If it appears to us there is but one, we ought to bail. *L. C. Baron* [*Atkyns*] heard: It is agreed there ought to be two witnesses, and if one positive and yet another prove the same treason, they are both to the fact. *Gregory, B.:* Is of the same opinion. *Moved* to ask the Judges whether one witness upon oath, with other circumstances, is enough to remand any person? *Holt, C. J.:* If the circumstance be not upon oath, it is no evidence.‡ Then the House, on motion, appointed a Committee to draw an Order "for explanation of this Act" on the debate. (MS. Min.; L. J., XV. 108.)

On 11 Nov. this Committee met, and after reading the seventh paragraph of the Habeas Corpus Act, on *Question*, Whether an Order shall be now made, it was resolved in the *Affirmative* by 7 votes to 4. The Order was then agreed to and ordered to be reported. (Com. Book.)—The House, on receiving this Report, consisting of a Resolution drawn by the Committee, which was read, ordered all the Judges to attend the next day. The Warrant for the commitment of E. Huntingdon read. *E. Marlborough* complains of his being committed. *E. Scarsdale* complains of his being in a Proclamation,§ and desires it may be enquired into. *Ordered* that the debate be adjourned till tomorrow. (MS. Min.; L. J., XV. 109.)

On 12 Nov. the Resolution reported from the Committee is read as follows:—It is Resolved, by the Lords, &c., That it is the duty of the Judges of the Court of King's Bench, and Justices of Oyer and Terminer, or General Gaol Delivery, in pursuance of the said Statute, to set at liberty the prisoner upon bail, if committed for high Treason (Comp. L. J., XV. 111). *Holt, C. J.:* The Act of Parliament does

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* The words of this question in italics were substituted for those in square brackets.

† *See* Annex (*c.*) below. Luttrell says that Aaron Smith swore that there was one witness against the Lords, but that he "would not be positive" as to a second; Ralph states that on being required at first to answer on oath whether he had two witnesses against "each of the Lords," he "refused till threatened to be committed" (ii. 390).

‡ Ralph (ii. 389) has the following note on the proceedings this day: "The Judges managed their own defence in such a manner as gave Mr. John Hampden occasion to say 'that the very same opinions were now delivered for law, which King Charles' and King James' judges were infamous for.' 'It is but a few days ago,' continues he (*Short Considerations*, p. 18), 'that some of the judges declared in the Lords' House that one witness to a principal treason and another to a circumstance was sufficient to convict a man that is indicted for treason; which was the worst of all the opinions delivered upon the Bench by the late Chief Justice Jeffreys.'"

§ Annex (*d*).

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not intend that they should [say the] *be* witnesses [are] upon oath.* *Treby, C. J.:* I am of the same opinion, that by "witnesses" here are not intended witnesses upon oath. "Witness" in this case I take to be a person capable of giving testimony. *L. C. Baron* [*Atkyns*]: A man cannot be convicted without two witnesses upon oath; but I am clearly of opinion in this case that there need not be witnesses upon oath. *Dolben, J.:* I am of the same opinion. *Powell, J.:* I am of the same opinion, that witnesses unsworn are within this Act. *Gregory, J.:* I am of the same opinion. *Lechmere, B.:* We are the interpreters of the law. I am of the same opinion with my brothers. I think it was the duty of the Judges to remand the Lords or other persons. *Rokesby, J., Eyres, J., Turton, B.*, and *Powell, B.*, each added: I am of the same opinion. Affidavit of Aaron Smith read. Judges asked, Whether by "witness" anything is meant but "person"? *Holt, C. J.:* I am of opinion that by "witnesses" is meant "persons." The Judges heard as to the Affidavit. *Holt, C. J.:* I am of opinion the Affidavit is pursuant to the [Act]. It is as full as the Act itself. It is as full as a counter tally to another. The House then ordered the Resolution of the Committee to be re-committed to a Committee of the whole House† on the 14th. (MS. Min.; L. J., XV. 110.)

On 14 Nov. in C. W. H., Lord Cornwallis in the Chair, the Resolution was read. The Clause in the Statute Book read. *Moved* to agree that there should be two witnesses against every prisoner, though not upon oath, and that it is not requisite they be both upon oath. The Resolution is read again, and it is agreed that the words "upon oath" be left out. Some words agreed to be added to the Resolution, and after some time spent therein, the House was resumed, and L. Cornwallis reported the Resolution as now amended. The same was read twice,‡ and, after debate thereon and leave given to protest on either side, on *Question:* Whether to agree with the C. W. H. in this Resolution? Resolved in the *Affirmative*. Contents, 35; Not-Contents, 28. Tellers, E. Stamford and L. Delawarr.§ *Ordered* that the complaint of E. Scarsdale‖ be considered tomorrow. (MS. Min.; L. J., XV. 111.)

On 15 Nov. the Warrant for searching for E. Scarsdale was read, as well as the Proclamation for apprehending him. *Moved*, that the House go into consideration of the ways or means to discharge the bail that E. Huntingdon and E. Marlborough lie under. *Moved*, that an Address be made to his Majesty for taking off the bail of these Lords.¶ Then, after debate on how to discharge the said bail, and about E. Scarsdale, the debate adjourned till the 17th. (MS. Min.; L. J., XV, 112.)

On 17 Nov. the House merely ordered the consideration of what should be entered in the Books concerning this matter to be adjourned till the next day (MS. Min.; L. J., XV. 114), when, the House being

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* The word in italics is substituted for those in square brackets.

† The original order was to recommit the Resolution "to the same Committee."

‡ An expunged entry here adds: "Some Lords moved that the Judges might be heard. The L. C. Justice Holt heard."

§ Ralph (ii. 390) states that this division was taken "after a fierce debate, which lasted several hours."

‖ "The Anti-Court Lords becoming sensible of their strength, the Lord Scarsdale made a new complaint, that his house had been searched by one of the King's messengers."—*Ralph*, ii. 390.

¶ "After the debate had lasted several hours, it was hinted, by way of expedient, to the House, that his Majesty would cause them to be discharged the next day. This was accepted, but with so much caution, that they would hear of no other business till they were assured the thing was done, and, to avoid any surprise, adjourned till the 17th."—*Ralph*, ii. 390.

informed * that the Lords' bail in the Court of King's Bench had been discharged, the matter dropped. (MS. Min.; L. J., XV. 115.)]

Annexed:—

(*a.*) 8 Nov. Copy similar Warrant for commitment of John, Earl of Marlborough. *Signed* by same as in above, with the exception of Devonshire, Mountague, Newport and Ranelagh.

(*b.*) 8 Nov. Copy Affidavit of Aaron Smith, as follows:—

The King and Queen against the Lord Huntingdon and others. Aaron Smith maketh Oath that there is evidence against the several persons hereafter named, viz^t, the Lord Huntingdon, the Lord Middleton, the Lord Dunmore, Sir Andrew Forrester, Sir Solomon Swayle, Col. Ambrose Norton, Major William Cullwert, Austin Mathewes, George Newton, Clerk, and Jeremy Collier, Clerk, for the high Treasons for which they respectively stand committed, and also against Thomas Marshall, but that the witnesses for their Majesties against them or any of them could not be produced this term.

Jur. 14 die Junii, Anno regni Regis et Reginæ nunc 4° coram.
J. HOLT.

AARON SMITH.

This is a true Copy of the Affidavit of Aaron Smith, filed in the Crown Office the last Trinity term, and examined the seventh day of November 1692 by me Robert Seyliard, Clerk of the Rules in the said office. *Endorsed* as read before the Committee this day. [*See* Notes above.]

(*c.*) 10 Nov. Paper *endorsed* "Mr. Aaron Smith's Question and Answer." [*See* Notes above.]

(*d.*) 11 Nov. Printed Proclamation for the discovery and apprehension of Robert, Earl of Scarsdale, and others. *Dated* Whitehall, 9 May 1692. London Gazette, No. 2,765. *In extenso.* [*See* Notes above under date.]

582. Nov. 9. Writ of Summons (L. Capel).—Writ of Summons to Henry Capell de Tewkesbury, Chr., who was introduced and took the Oaths this day. *Dated* 4 Nov. L. J., XV. 106. *In extenso.*

583. Nov. 9. Privilege of King's Servant (R. FitzGerald).—Petition of Robert FitzGerald, Gentleman of the King's Privy Chamber for the last 30 years, complaining of having been arrested at the suit of John Pye and others, and praying to be set at liberty. L. J., XV. 107. The truth of the Petition is certified by Dorset, 31 Oct. 1692. [The Committee for Privileges, after reading the Petition and the Certificate from the Lord Chamberlain, as well as the precedents of Thayre and Redish† and Stepkin‡ (Priv. Book, 21 Nov.), reported on 22 Nov. that Fitzgerald had privilege in the case, and the House, thereupon, ordered him to be discharged. (L. J., XV. 121.)]

584. Nov. 9. E. Bath *v.* E. Mountague (Privilege).—Petition of John, Earl of Bath, Bernard Granville, Esq., and Sir Walter Clarges, Bart. The late Christopher, Duke of Albemarle, only son and heir of General George, Duke of Albemarle, having no children, and

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* The beginning of an expunged entry in MS. Min. of 18 Nov. states: "The Lords acquainted the House this day that their bail" . . .

† L. J., XIV. 632.

‡ *Ib.*, 592.

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being also unfortunate, as he often used to express, in having his next heir descended from one of the Regicides, was ever solicitous, after his father's example, to prevent his estate from so dishonourable a descent, and so ungrateful to the Crown, especially considering that a great part thereof came from thence, and all the rest (except only the ancient estate of his family, which fell to his right heir-at-law) was by purchase a fee simple estate, and so in his own free disposal, and therefore thought fit to settle the same amongst such others of his nearest kindred as he knew most deserving, and best in esteem with himself and Duke George his father. Accordingly, in July 1675, he devised by will among Petitioners and others his nearest kindred, the inheritance of all his lands in certain proportions, whereof the Petitioner E. Bath had the greatest share, according to the expressed intentions of the testator and his father. Six years afterwards, the testator found himself subject to the importunities of one whom he could not at all times deny, and, therefore, to establish his settlement in such a manner that it might be free from being defeated by any compliance he might give for his own ease or his Duchess's health, he sealed in 1681 the inheritance of his estate to the use of Petitioners and other his nearest kindred, the greatest part thereof after the death of the Duchess, reserving in the deed a power of revocation under certain self-imposed rules. In 1687 he was prevailed with to seal another Will, without noticing therein the previous Will or Settlement, but, as proof that he meant the settlement to continue in force, he ordered, before leaving for Jamaica, where he died, the keys of his evidences to be left with the Petitioner, E. Bath, who, he said, would be chiefly concerned with them after his death; all which is fully in proof by depositions in Chancery, and was also proved *vivâ voce* on a trial in King's Bench. Since the said Duke's death, his Duchess brought her Bill in Chancery, and one Christopher Monck (who is really no way of kin to the Duke) another Bill, both to the same effect, for establishing the Will of 1687, and setting aside the deed of 1681, as revoked in equity, the Duchess claiming some more valuable interest for her life by the Will of 1687 than by the said deed, and Monck claiming thereby the inheritance of all such lands as were settled by the deed on Petitioners; and Petitioners brought their Bill against the Duchess and Monck and others to prove and support the Will of 1675 and deed of 1681, and to discover and apply the personal estate for payment of the Duke's debts, so as to clear the lands chargeable therewith, and to discover and secure the evidences relating to the said estate. The causes being heard on 4 July 1691, the Lords Commissioners ordered a trial in ejectment at the King's Bench Bar for trial of the right of the Wills and deed; and at this trial the jury gave a verdict for Petitioners. The Court of Chancery, after appointing a day to deliver judgment, was unexpectedly stayed by the Duchess's marriage with E. Mountague, whereby the suit in her name abated. E. Mountague not thinking fit to revive it, Petitioners prayed the Court to determine the cause wherein the Moncks are Plaintiffs and wherein the Duchess is in no way concerned but as an amicable Defendant for form only, but the said Earl of Mountague obstructs it by insisting on his privilege, though E. Bath's privilege has already been taken off by order of this House,* and the Duchess has profited thereby. Pray that the Court may be at liberty to proceed to a Decree. L. J., XV. 106. [In Committee for Privileges on 21 Nov., E. Stamford in the Chair, Counsel were called in. *The Attorney General* (for E. Bath): We desire we may not be hindered by E. Mountague's privilege in two causes. States the causes. In

* *See* Calendar, 13th Report, No. **308.**

the cause wherein the Moncks are Plaintiffs neither E. Mountague nor the Duchess have any concern at all. The Duchess will receive no prejudice by determination of the cause wherein E. Bath is Plaintiff. The Duchess is a bare trustee for E. Bath or the Moncks as to the plate, for she was to have it only during her widowhood. The case is the same as to the household stuff. As to the writings, they are secured in the evidence room in New-hall. The Duchess has one key, and the Earl the other. *The Solicitor General* (for E. Bath): Shows how far these causes have proceeded without standing on privilege. The Duchess cannot suffer by these suits. She stands and falls by her own Bill. *Mr. Finch* (for E. Mountague): There cannot possibly be any decision in these suits without his Lordship being concerned therein. The Duchess never had any privilege till now, and it is not possible to have any procedure in this matter without her being concerned. *Sir Thomas Powys* (for E. Mountague): If they can proceed against Monck without affecting E. Mountague, they need not fear a breach of privilege. There cannot be one step made, but it must be in opposition to the Will of 1687, whereby E. Mountague claims. The dismission of Mr. Monck's Bill is no less than the determination of my Lord's title under the Will. They withdraw, and after debate, *Ordered* to report that E. Mountague has privilege in this case. (Priv. Book.) This report was made and agreed to the next day. (L. J., XV. 121.)]

585. Nov. 19. Newton *v.* Ballett.—Petition and Appeal of James Newton. The Respondents, being seized of some messuages and gardens, held by Appellant from their father, the late Dr. Ballett, at a lease for 17 years determinable at Christmas, 1691, and of other messuages and grounds in Garden Alley and Clerkenwell Green for a term of years determinable at Midsummer, 1692, applied in 1689 to the Respondent John Ballett, then in Essex, for a further term of the premises, and it was agreed in writing that in consideration of 100 guineas then paid by Appellant to the Respondent John, and 100*l.* and a silver tankard worth 10*l.* to his wife, for the first year's rent, and 150*l.* yearly afterwards, Appellant should have a further lease for 100 years from Midsummer, 1692, and for another 100 years longer, if his executors desired it, John Ballett to pay the ground landlord's taxes and his wife to join in a fine to confirm the said term. Appellant paid him the 100 guineas, but Ballett refused to sign the lease when offered to him. Appellant then brought a Bill in Chancery to have the agreement performed. Ballett pretended surprise, and put in a Cross Bill. The Lords Commisioners on 15 April 1692, on hearing both causes, dismissed Appellant's Bill and ordered the agreement to be set aside. Prays that the Decree may be reversed. *Signed* by Appellant; *Countersigned* by Wi. Williams. L. J., XV. 107. [The Cause was heard on 3 Dec. *The Attorney General* (for Appellant) opened the case. *Sir William Williams* (for Appellant): The Articles we keep close to, and the 100 guineas paid. The Articles made a penalty of 4000*l.* on each. They were deliberately made and considered. *The Solicitor General* and *Mr Finch* argued for Respondent, and several depositions were read. After debate, *Question* put, whether the Decree shall be reversed? Resolved in the *Negative*. Contents, 19; Not-Contents, 24. Tellers, E. Scarborough and E. Warrington. *Ordered* that the Decree be affirmed. (MS. Min.; L. J., XV. 133.)]

Annexed:—

(*a.*) 17 Nov. Petition of John Ballett, Gent., and Mary, his wife, Respondents, for a week's further time to answer. *Signed* only by John Ballett. L. J., XV. 113.

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(*b.*) 17 Nov. Petition of Appellant. Complains that Respondent John Ballett has assaulted one Cornelius Hall, whom Appellant had sent to serve the order to answer. L. J., XV. 113. [*Hall*, being called in and sworn this day, said he served an Order on Mr. Ballett. "I delivered what I was ordered. Mr. Ballett called his man, and he beat me, he struck me in the face. Mr. Ballett himself came twice towards me." *Ordered*, that Ballett be attached. Later on in the sitting, the House being informed that he was attached, *Ballett* was brought to the Bar and desired time to examine his witnesses. *Ordered*, that Ballett and Hall attend on the 19th (MS. Min.).—On 19 Nov. *Ballett* was brought to the Bar, in custody of Black Rod, and the Petition against him was read. He said: "It is false what is sworn against me. I ordered him to go into the kitchen, and I would send him meat and drink. I did not strike him, or order him to be struck. (MS. Min. No entry in L. J.) Ballett was discharged on his Petition (Annex (*d*) below) on the 21st.]

(*c.*) 19 Nov. Answer of John Ballett and Mary, his wife. Appellant, a stranger to the Respondent John, applied first to his uncle Dr. Charles Ballett, and afterwards to Respondent, who was ignorant of the nature and value of the estate and of his title thereto, to have a lease of the premises, having conspired with Charles Ballett to defraud Respondent of the estate and share it between them. For this purpose, Respondent was brought to London by his uncle and introduced to Appellant, and after being taken about from tavern to tavern, was inveigled into signing the Articles, which were most unreasonable, the rents of the premises being then above 400*l.* a year, and there being six acres of ground capable of great improvement. The Articles were proved to have been obtained by fraudulent combination and surprise. Pray that the Appeal may be dismissed with costs. *Countersigned* P. Bowes. *Endorsed* as brought in this day.

(*d.*) 21 Nov. Petition of John Ballett, Gent., to be discharged from the custody of Black Rod. L. J., XV. 118.

(*e.*) 8 Feb. 1692-3. Petition of Appellant. The Court of Chancery, in their decree, which has been affirmed by the House, made no provision for restoring to Petitioner the 100 guineas in respect of what Petitioner had laid out on the premises, and the House gave no directions compelling Ballett to repay it to Petitioner. Prays their Lordships' directions in this matter. L. J., XV. 220. [Counsel were called in on 15 Feb. on this Petition, when, Appellant's counsel not appearing, the hearing was adjourned to the 20th, and then again to the 23rd (MS. Min.). On 23 Feb. *Sir William Williams* (for Appellant): We would have our charges. *Mr. Bowes* (for Respondent): We will pay our 100 guineas. *Ordered* that the 100 guineas be restored to Mr. Newton by Mr. Ballett. (MS. Min.; L. J., XV. 245.)]

586. Nov. 11. Writ of Summons (E. Carlisle).—Writ of Summons to Charles, Earl of Carlisle. *Dated* 10 Nov. [Sat first in Parliament this day after the death of his father. L. J., XV. 109.]

587. Nov. 14. Privilege of King's Servant (W. Killigrew).—Petition of William Killigrew. Petitioner, a Gentleman of the Privy Chamber to his Majesty and in actual waiting, was arrested in the City on 9 August last, without leave from the Lord Chamberlain, by one Sparkes, a Serjeant of the Poultry Compter, in an action of 100*l.* at the

suit of Abraham Beake, whose name was made use of by Thos. Joyner, a pretended creditor. After his arrest, Joyner laid an action of 100*l.* in his own name for the said debt, pretending that he had paid 50*l.* twelve years ago for Petitioner, and refused to discharge him though he produced a certficate of being sworn a Gentleman of the Privy Chamber. Petitioner was thereupon turned over to the King's Bench, where he is now a prisoner, on two 100*l.* actions, as appears by the paper annexed to his Petition. Prays their Lordships to relieve him, by supporting the privilege of his Majesty's Servants. L. J., XV. 110. [Killigrew was discharged on 22 Nov. on report from the Committee for Privileges (Priv. Book, 21 Nov.) that he had privilege in the case. (L. J., XV. 121.)]

Annexed :—

(*a.*) 14 Nov. Copy of Actions, referred to in Petition, as appended thereto. *Noted* as taken out of the Book by the Clerk of King's Bench.

588. Nov. 14. Meyrick *v* Hughes.—Petition and Appeal of Edmund Meyrick, Esq., and Elizabeth, his wife, Richard Kyffin, Esq., and Jane, his wife. The Respondent Hughes, having borrowed of Robert Price, of Geeler, co. Denbigh, the sum of 100*l.*, repayable by 20*l.* a year in 7 years, executed as security in 1668 to Price and his wife Katharine a lease for 14 years of lands in Bryntanger in that county at a pepper-corn rent for payment of 20*l.* a year, covenanting that the lands were of that yearly value and unincumbered. Price by will made his wife executrix and devised 100*l.* to the Appellants Elizabeth and Jane, and his wife died after him, making the Respondent Harding her executrix. Hughes received all the profits of the lease-land during the 14 years, and never paid anything to Price or his wife or Harding, so that the 100*l.* with interest now amounts to at least 238*l.* Harding spent all the personal estate except the debt in the hands of Hughes, which she agreed Appellants should have in discharge of their legacy, amounting with arrears of interest to 226*l.* To recover this sum, Appellants in 1683 brought a Bill in Chancery against Respondents, but although Harding admitted the arrangement as to debt, Sir John Trevor, Master of the Rolls, on 7 May, 4 Jac. II., dismissed the Bill with costs. Pray that this dismission may be set aside, and Respondents ordered to answer. *Signed* by Appellants; *Countersigned* by Will. Dobyns and Ro. Price. All the signatures are copied. L. J., XV. 110. [The Cause was heard, and the Decree reversed on 22 Dec., *Sir Thomas Powys* and *Mr. Dobyns* being heard for Appellants, and *Sir Ambrose Phillipps* for Respondents. (MS. Min.; L. J., XV. 161.)]

Annexed :—

(*a.*) 5 Dec. Answer of Charles Hughes. Respondent's father, Humphrey, in consideration of Respondent's marriage, settled the lands on trustees with power to charge them with an annuity not exceeding 30*l.* to such persons as he should appoint, and by his will he charged them with the said annuity payable to Hugh and Jane, Respondent's brother and sister. Respondent never meddled with the lands during his father's lifetime, but by order of his father, and after his death constantly paid the annuity. As for the pretended deed of mortgage and bond for performance of covenants, Respondent does not remember any such deed, and the term of 14 years has long elapsed, and such estate as was thereby granted is determined. He knows nothing of any legacy or wasting of the estate by Harding. He never

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borrowed anything of Price for his own use, and if anything was borrowed by his father, it was by him repaid. Since the Decree complained of, Appellants have caused Respondent to be arrested in an action at the suit of Harding, and have brought a new Bill in Chancery, without informing their Lordships. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Ambrose Phillipps. All the signatures are copied. *Endorsed* as brought in this day.

(*b.*) 6 Dec. Answer of Anne Harding. Respondent, being arrested by Appellants for the legacy, offered to assign to them Charles Hughes' debt as satisfaction, having no other assets. It was proved that Hughes received the profits of the lease lands during the 14 years. There were no proceedings on the action at law against Respondent, who is still willing to assign Hughes' debt in discharge of the legacy. *Signed* by Respondent; *Countersigned* by Henry Lloyd. *Endorsed* as brought in this day.

(*c.*) 25 Feb. 1692–3. Petition of Appellants. The House having reversed the decree appealed from, Appellants applied to the Lords Commissioners for a rehearing, but were refused, on the ground that no direction had been given by the House for that purpose. Pray that they may be ordered to hear the cause with such direction as the House shall think fit. L. J., XV. 249.

589. Nov. 14. Muschamp *v.* Burton.—Petition and Appeal of Henry Muschamp. Respondent lately appealed to the House from an Order in Chancery of 17 Dec. 1690 setting aside the enrolment of a supposed decree by L. Chancellor Nottingham of 15 Nov. 1670; and their Lordships were pleased to discharge the former order, and the subsequent ones founded thereon.* Prays their Lordships to set aside the enrolment of the supposititious decree, so that Petitioner may be at liberty to proceed, and that Respondent may be ordered to answer. *Signed* by Appellant; *Countersigned* by Wi. Williams and T. Powys. L. J., XV. 110. [This Appeal was dismissed on 21 Nov. (L. J., XV. 119), on reading Burton's Petition of date (Annex (*a*) below). For further proceedings see Notes to Annex (*b*).]

Annexed:—

(*a.*) 21 Nov. Petition of Philip Burton, Gent. Sets forth the proceedings below. Petitioner has already spent above 2,000*l.* and is likely to lose the money decreed him, Appellant being a prisoner in the Fleet. Prays not to be put to further charges by a Petition that seems to draw into examination again the same matters which have been already heard and determined by their Lordships. L. J., XV. 119.

(*b.*) 12 Dec. Petition of Appellant. Their Lordships have dismissed his last Petition of Appeal, on the Respondent's suggestion that it dealt with matters already determined by the House. Respondent, as the Receiver appointed under the Act of 22–23 Car. II., is alone accountable for the profits of Sir W. Clerke's trust estate, and not the trustees, of whom Appellant is one. The trustees called on Respondent for an account, and the latter procured a Report, dated 16 Feb. 1679. Appellant taking exceptions to this Report, the Master made another one in 1685, which showed Respondent a debtor to the trust in the sum of 2,687*l.*, instead of a creditor. Respondent excepting to this

* L. J., XIV. 669, 694, and Calendar, 13th Report, No. 456.

Report, the L. Chancellor Jeffreys confirmed the first Report, and set aside the last one. Appellant does not appeal against the irregularity of the enrolment of any order or decree, but insists that the decree of 29 Feb. 1687 was wrongfully pronounced, the same being to confirm a report contrary to the Act of Parliament, and set aside a Report pursuant to the directions of the said Act. *Signed* by Appellant: *Countersigned* by Wi. Williams and Nicho. Courtney. L. J., XV. 144. [Counsel were heard in the Cause on 13 Feb. 1692–3. *Sir William Williams* (for Appellant): There was an Act passed for payment of the judgment debts. It takes the estate out of Sir William and puts it in these trustees, and the trustees to name a Receiver, and he to give security. The trustees deputed Burton to receive. By the Report there is due to us above 2,000*l.* L. Jeffreys confirmed and ratified Burton's Report. We pray the L. Jeffrey's Decree may be laid aside and that the Report of 1685 may stand. *Mr. Poley* (for Appellant): If Burton has paid the money, he has mispaid it. He has not proved any money paid. The error, we say, is in L. Jeffrey's decree, which destroys the Report for us. Reads the last decree, wherein the Report is recited. Report of 1685 read. L. Jeffreys damns this Report. The judgment debts were to be first paid. *Sir William Whitelocke* (for Respondent): Mr. Muschamp has been harassing Mr. Burton for 16 years already, and would be as many more. In 1671 the Act was made, and he was got into debt. Mr. Burton had deputation from the trustees, and he is to account for them. He paid as the trustees directed. He had their hands to his payment. 'Now,' says Mr. Muschamp, 'you shall pay the money again.' When we came before the Lord Chancellor, it appeared that we had paid as we ought. This has been nine times confirmed. *Mr. Finch* (for Respondent): Recites the Act, and the Receiver to be accountable. In 1675 there is a Bill brought by a judgment creditor, and then a Bill brought by Mr. Burton and the trustees, and the account was taken and several times confirmed. Recites all the confirmations and Reports. In July 1680 this Order was made. Until 1685 we hear nothing of Mr. Muschamp. The L. Keeper North hears the whole case again. In 1683 it was confirmed, and in 1685 L. Jeffreys says: 'If you will get a Report by November, you shall have time.' He lets it alone, and comes in December, and gets a Report behind our backs. We complained of this, and the Court sets it aside, and then Muschamp desires a rehearing, and the L. Jeffreys confirms all the rehearings and sets aside the Report. Then he brings a Bill of Review, and there says Burton was still chargeable, before the Commissioners, and they confirmed it. Then he applies to the present Commissioners and desires the opening of the Cause, and they then heard us. We complained of this, and the House set aside that order. *Sir William Williams* (for Appellant) heard in reply. Counsel withdrew, and the Speaker having reported, the House dismissed the Appeal, and affirmed the Decree of 29 Feb. 1687–8. (MS. Min.; L. J., XV. 227.)]

(*c.*) 22 Dec. Answer of Philip Burton, Gent. Recites proceedings below. Respondent has been harassed by Appellant in Chancery for 16 years at the expense of over 2,000*l.*, and is likely to lose the 1,080*l.* reported due to him, Appellant being

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a prisoner in the Fleet and insolvent. Prays that the Decree may be confirmed with costs. *Signed* by Respondent; *Countersigned* by W. Whitelocke. *Endorsed* as brought in this day. *See also* MS. Min. of date.

(*d.*) 14 Feb. 1692–3. Petition of Appellant. He can prove that the Master in his Report allowed Respondent 6,477*l.* without any orders from the trustees for payment thereof, or any proof of such payment. Prays to be heard touching the error in the Report. [Offered this day and ordered to be dismissed. L. J., XV. 229.]

590. Nov. 15. Attorney-General, on behalf of the town of Oundle, &c. *v.* Barton.—Amended * Petition and Appeal of Sir John Somers, Knt., their Majesties' Attorney-General, on the behalf of the several towns of Oundle, Tansor, Cotterstock and Glapthorne, in the county of Northampton. Clement Bellamy, by will dated 12 Oct. 1658, devised his real and personal estate, worth above 1,000*l.*, to John Norton, father of John Norton and grandfather of Doyley Norton, Defendants below, to be disposed of for such poor people and charitable uses as Norton should think fit. The latter, by his will of 9 March 1662, directed his son, by the advice of L. C. Baron Mountague, a trustee in the settlement of his estate, to settle lands worth 20*l.* a year for placing out as apprentices and at the University the poor boys to be born in one of the said four parishes, and to facilitate the performance of the trust, gave him and his heirs, by a later clause, the Holme with the 10 acres of meadow next Tansor field, and what else he bought of Mr. Henry Pickering, and charged the same with the charity. Norton died, leaving a very large estate to his son, who for several years duly paid the money, and as the lands particularly charged were sufficient to answer it, the parishes were not solicitous to have other lands settled, the clause being only in favour of Norton the son, in case he found it convenient to substitute other lands for those particularly charged. But the son afterwards taking to extravagant courses, and beginning to sell and mortgage parts of his estate, and falling in arrear with the charity, some of the parishes in 1684 sought relief under a Commission of Charitable Uses then on foot. The Commissioners decreed payment with arrears, but omitted, by neglect of the Solicitor for the parishes, to charge the lands particularly set apart, and Norton being then a prisoner, the parishes could get no advantage from the Decree. Accordingly, in 1685, by the advice of Counsel and the then Bishop of Peterborough, an Information was exhibited in the Attorney-General's name, at the relation of the parishes, for recovery of the charity, in which all persons interested in Norton's estate were made Defendants. Among these, Thomas Barton, who was in possession of the lands particularly charged, pleaded in bar that he was a purchaser from Filbrigg and Satterthwaite (who had purchased from Norton) for valuable consideration, without notice of the will. His plea being overruled on 29 April 1686 by L. Chancellor Jeffreys, he brought a Cross-Appeal against Norton, Welby, Kirkham and all others who had any part of old Norton's estate, to have other lands settled in discharge of his, or that the other purchasers of the estate might also contribute. Welby and Kirkham, who were mortgagees, submitted to be redeemed on payment of what was due to them, but the other Defendants, who were absolute purchasers, insisted that the lands not particularly charged were not chargeable. The Court on 26 Feb.

* The amendment of the Appeal was caused by the death of some of the original Respondents. Compare L. J., XV. 112 and 118.

1686 ordered Norton, after payment to the mortgagees, to settle lands of sufficient value to satisfy the charity, and discharged those purchased by Barton. Norton was only tenant for life, and he being now dead, and his widow and his son Doyley in possession by virtue of the entail, nothing remains of the estate, to answer the charity, but the lands particularly charged, which are now declared to be exempt. Prays that the Decree may be reversed, and that Barton, Mary Norton and Doyley Norton, Kirkham, Satterthwaite and his wife, Jonathan, the brother, heir and executor of George Welby, and Filbrigg, the nephew and next heir of William Filbrigg, and Dr. Arnold and Richard and John Filbrigg, trustees of Filbrigg, since deceased, may be ordered to answer. *Signed* by J. Somers and Thos. Powys. L. J., XV. 112. [The Cause was heard on 2 Jan. 1692–3. *Mr. Finch* (for Appellant) opens the case. The question is, whether notice or not. We shall prove notice in Filbrigg and Barton also. *Sir Thomas Powys* (for Appellant): The Will is plain in this case. States the parts of the Will. They read old John Norton's Will. Depositions of Hicks and others read. *The Solicitor General* (for Respondent Barton): The Court below, I hope, has given a very just decree. A jury has found we had no notice for Barton, and discharged my client. This was before the Commissioners for Charitable Uses. They never excepted against this Decree; they acquiesced under it. In 1685 they exhibit this Information against my client, and in 1687 the Chancery dismissed the Bill to my client, and they did right, as will appear by the witnesses they examined and read. There is no colour of proof at all of notice. *Mr. Ward* (for Respondent Barton): The question is only whether my client Barton had notice or not. We are the person within the Act of Parliament without notice. We have sworn no notice at all, and the Law Books say general notice is no notice. It has passed an Inquisition in a legal (*sic*). *Sir William Whitelocke* (for the other Respondents): But I find nothing affects them. *Mr. Jennings* (for Satterthwaite and wife): But I see nothing affects them. *Mr. Finch* and *Sir Thos. Powys* heard in reply. Counsel withdrew, and Speaker reported. After debate, the House ordered the Dismission of 22 Feb. 4 Jac. II. to be reversed. (MS. Min.; L. J., XV. 170.) See further Annex (*e.*) and Notes.]

Annexed:—

(*a.*) 3 Dec. Joint and Several Answers of Thomas Barton, Senior, Gent., Thomas Arnold, Doctor of Laws, Richard Filbrigg and John Filbrigg. The Respondent Barton knows nothing of the Wills of Bellamy or old Norton. He purchased in 1669 the Holme and osier beds for 500*l.*, without any notice of the Charity, from George Colewell and Margaret his wife, George being nephew to Arthur Colewell, who had purchased them in 1664 from Norton the son; and in 1670 he purchased the 10 acres from William Filbrigg, to whom young Norton had sold them in 1664. Barton's purchases were made in the name of Sir Lewis Palmer, William Colby, since deceased, and Mathew Johnson, as trustees. Filbrigg also purchased from young Norton for valuable consideration and without notice of the Charity. Pray that the Appeal may be dismissed with costs. *Signed* only by Tho. Barton and Tho. Arnold. *Endorsed* as brought in this day.

(*b.*) 29 Dec. Answer of Bryan Satterthwaite and Margaret his wife [*sign* Saterthwaite], late wife of George Colewell, deceased. Arthur Colewell, late father of the said George, purchased the Holmes and osier beds of young Norton, and Respondents sold them to Barton, without ever having any notice of the

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Charity. Pray that the Appeal may be dismissed with costs. *Endorsed* as brought in this day.

(*c.*) 29 Dec. Joint and Several Answers of Mary Norton, widow, and Doyley Norton, Esquire. The Charity was publicly known in the neighbourhood, and must have been known to the purchasers of the lands particularly charged, being inhabitants in and near the towns concerned. Barton was employed by young Norton as his solicitor on his father's death, and on purchasing the premises, took a covenant from William Filbrigg to discharge him from the Charity. The rest of old Norton's real estate is of small value to Respondents, most of it having been sold or encumbered by his son, or withheld from him by pretended purchasers. The lands now wrongfully withheld by the other Respondents were settled on the Respondent Mary and her children in consideration of her marriage portion, long before the Will was made, and neither old Norton nor his son had any power to charge them beyond their own lives. Pray that the Appeal may be dismissed. *Endorsed* as brought in this day.

(*d.*) 29 Dec. Joint and Several Answers of Charles Kirkham, Esq., and Jonathan Welby, Clerk. The Charity was commonly discoursed of in the neighbourhood. Kirkham's ancestors owned the manor and rectory of Cotterstock and other lands there worth about 200*l.* a year, and Walter, his late father, was forced, as a delinquent for his loyalty to Charles I., to surrender his interest therein, part of which was conveyed to old Norton, then a man of great authority, and part appropriated to the use of preaching Ministers. At the Restoration, the latter part was restored to him by Act of Parliament, and the part held by Norton was subjected to the rentcharge of 100*l.* for the Ministers. Norton's son, who succeeded to the estate, falling in arrear, the Respondent Kirkham's mother entered, as she was entitled, on the rectory and premises, and now holds them with Respondent her son. The latter is ready to give up possession, on payment of the rentcharge and arrears, to whomsoever the rectory and premises of right belong, but his own right being settled upon him before the Will which created the Charity, and other lands being particularly charged with the Charity, the premises subjected to the rentcharge should be free therefrom. Respondent Welby's brother was a *bonâ fide* purchaser from young Norton, and Respondent Welby has since conveyed away the lands. The Charity should be paid by the lands particularly charged. Pray that the Appeal may be dismissed with costs. *Endorsed* as brought in this day.

(*e.*) 11 Feb. 1692–3. Petition of Appellant. Since the reversal by their Lordships of the Decretal Order complained of, application has been made to the Lords Commissioners to put their Lordships' Order in execution, so as to charge the lands with payment of the Charity and arrears, but the Lords Commissioners being of opinion that the Order of reversal does not fully warrant them to give such directions, have left Petitioner to apply further to the House to enlarge their order on that point. Prays their Lordships to direct accordingly. *Signed* J. Somers. [Read this day and Judgment amended. L. J., XV. 224.]

591. Nov. 15. Dowley *v.* Bagnall.—Petition and Appeal of John Dowley. Appellant and Respondent's testator in 1672 entered into partnership for 5 years as haberdashers of small wares in London, with

an equal stock in trade. Appellant was to keep Bristol and Gainsborough fair and testator Holden, Beverley and Lenton fairs. Neither party was to take an apprentice without the consent of the other, and all losses were to be borne in common. A general account was to be made up yearly, and if either party died during the five years, the survivor was to take the whole stock and, after paying off all debts, hand over a moiety to his representative in three payments. If the partners agreed to end the partnership at the close of the five years, three months more were to be allowed for settling accounts and disposing of wares. When this time arrived, namely on 30 Dec. 1677, testator prevailed with Appellant to continue by bonds for another year ending 11 Jan. 1678–9, when Appellant, taking notice of certain bad debts, amounting to about 1,400*l.*, agreed with testator, who was then sickly and infirm, that new articles should be made, by which each party should have profit or loss alike, and the surviving partner should not be overcharged or make good to the representative of the deceased partner his share. Pending the completion of the new articles, which was left to testator, a bond was given to continue the partnership for six weeks upon the old ones. The new articles were delayed by the illness of testator, who finally died on 21 June 1679 without making them; and the partnership having determined in his lifetime, Appellant conceived that the whole estate in trade should be divided, and that he should not be charged with the bad debts of 1,400*l.*, wrongly mentioned as good in the last account, made only by testator, and containing errors to the amount of 500*l.* George Bagnall, the testator's surviving executor, then brought his Bill in Chancery against Appellant, claiming 5,529*l.* as testator's share on the last yearly account, and the Court on 1 May 1689 decreed payment, and that an account should be taken according to the old articles. On a rehearing on 14 May 1690, a fresh account was directed to be taken both ways, viz^{t} from the foot of the stated account and from testator's death. Bagnall on 21 Feb. 1690–1 obtained an *ex parte* report from the Master according to the directions in the order of 1 May 1689, finding Appellant indebted to him above 4,000*l.*; and on 5 March 1690–1 the Master, after hearing all parties according to the order of 14 May 1690, certified that the partnership determined on 1 March 1678–9, and that 980*l.* was due from Appellant, which he submitted to pay. On 16 Dec. 1691 the Cause coming again to be heard according to the order of 14 May, the Court confirmed the Order of 1 May, and discharged both Reports. This decree is unjust, being grounded on the supposition that the partnership continued till testator's death. Part of the losses in trade arose from testator's employing dishonest servants, without security for their good conduct, as the articles stipulated. Prays that the Decree may be reversed and Respondent ordered to answer. *Signed* by Appellant; *Countersigned* by Tho. Trevor and Wm. Whitelocke. L. J., XV. 112. [The Cause was heard and the Decree affirmed on 19 Dec., *Mr. Finch* and the *Solicitor-General* being heard for the Appellant, and *Sir Thomas Powys* and *Mr. Filmer* for the Respondent. (MS. Min.; L. J., XV. 152.)]

Annexed:—

(*a.*) 22 Nov. Answer of George Bagnall, Gent., Executor of George Bagnall, deceased. The bad debts of 1,400*l.* were acknowledged in the first articles of partnership, which recited also that the ready money and good debts amounted to 4,000*l.* It was agreed that interest should be allowed out of the joint stock for any sums or stock put in by either party into the trade beyond their joint stock. It was never intended that at the end of five years a partition should be made or the partnership

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dissolved. Appellant never objected in testator's lifetime that any of the debts reckoned good in the last stated account proved bad ones, nor was it agreed to draw new articles in the terms alleged. The partnership continued on the old terms till testator's death, and was intended to continue for another five years. Under the Decree complained of, the Master has certified 3,853*l.* due to Respondent. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Tho. Filmer. *Endorsed* as brought in this day.

(*b.*) 6 Dec. Petition of Appellant for a day for hearing. L. J., XV. 135.

592. Nov. 15. Smith *v.* Duffield.—Petition and Appeal of Robert Smith, Gent., and Mary his wife and Sarah Duffield, which said Mary and Sarah are the sisters and coheirs at law of Andrew Duffield, deceased. Knightley Duffield, on his marriage with Sarah Field, mother of Appellants Mary and Sarah, settled certain lands in Medmenham, Bucks, on himself and wife for their lives, then to their heirs male, failing which, to their daughters, until such time as, if there should happen to be but one daughter, some heir male to Knightley, or such person to whom some estate of freehold or inheritance in the premises should be thereby limited, should have paid to such one daughter 2,000*l.*, or, if two daughters, 1,500*l.* to each. Knightley died in 1665, leaving to his son and executor Andrew certain other lands, not included in the marriage settlement, on trust to sell them and pay 600*l.* to Mary and 700*l.* to Sarah. Andrew paid to Mary her 600*l.* on her marriage with Appellant Smith, and died unmarried, leaving all his estate in Bucks, charged with Sarah's legacy, to his cousin Francis for life, then to his cousin's son Francis in tail, with remainders over; and he gave all his houses in London to Mary and Sarah for life, and after their deaths, to Francis for life, with remainders over, and after legacies of about 1,200*l.*, gave the goods in the manor house to Francis and to go with the house to the next heir, and gave the residue of his personal estate to Mary and Sarah, his Executrices. Petitioners, having a legal estate in the lands comprised in the marriage settlement, brought their ejectment, whereupon Francis brought a Bill in Chancery, pretending that the legacies and the advantage of Knightley's will was a satisfaction in equity of the portions of 1,500*l.* each. On 25 Oct. 1692 the Lords Commissioners decreed in his favour, and ordered Petitioners to deliver up the marriage settlement and convey all their estate in the lands to Respondent, whereby Petitioners, the heirs-at-law of their brother Andrew, are disinherited by his will of the lands, worth 500*l.* a year, devised to Francis. Neither Knightley nor Andrew by their wills put any condition on Petitioners of releasing their portions. Pray that the Decree may be reversed, and Respondent ordered to answer. *Signed* by Appellants; *Countersigned* by Will. Killingworth and Edw. Ward. L. J., XV. 112. *See* also 2 Vernon 177, 258. [The Cause was heard and the Decree reversed on 20 Dec., *Mr. Finch* and *Mr. Ward* being heard for the Appellant, and the *Solicitor-General* (*Trevor*) and *Sir William Whitelocke* for the Respondent. (MS. Min.; L. J., XV. 158.)]

Annexed:—

(*a.*) 19 Nov. Petition of Francis Duffield, the Respondent, for further time to answer. L. J., XV. 117.

(*b.*) 25 Nov. Answer of Francis Duffeild, Esq. Knightley left the legacies to his daughters, considering the contingent provision made for them by the marriage settlement was not

likely to benefit them. Andrew regularly paid interest to Sarah for her 700*l.*, according to the will, and quietly enjoyed the estate, after Knightley's death, till his own death in 1668. He devised to Sarah and Mary several houses in London worth 200*l.* a year, as well as 300*l.* a year in New River shares, and the residue of his personal estate, worth 7,000*l.* and upwards. Appellants, before their ejectment, brought a Bill in Chancery for their portions, which was dismissed. The Court of Chancery declared that Appellants' demands were satisfied in equity by the devises in the wills, which were more than double the provision originally intended in the settlement, and that Andrew's plain intention was to leave his real estate for life to Respondent, his heir male, free of any charge beyond Sarah's legacy, the whole estate being but 400*l.* a year, half of which would have come to him under an old settlement. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Wm. Whitelocke. *Endorsed* as brought in this day.

593. Nov. 15. Parker *v.* Thornhill.—Petition of Philadelphia, George, Robert, Thomas and William Parker, children of Dame Sarah Parker, widow, daughter of George Chute, Esq., deceased. Refers to their Lordships' judgment of 2 Dec. 1691 and Order of 22 Feb. 1691–2. Pursuant to the last Order, Baron Powell has presented to their Lordships an Issue drawn by himself and Justice Powell, which is accordingly ordered to be tried. This issue, which is only whether George Chute the younger was seized for life or in tail of the premises in question at the time of suffering the common recovery, is not sufficient to determine the matters in question; for even if he were shown to be tenant in tail, the common recovery would not bar the remainder in fee vested in George Chute the elder and by him devised to Petitioners, Katherine Chute, the widow, having an estate for life in the premises precedent to the estate tail. Pray that the Issue may be referred back to the said Judges for amendment before trial thereof. *Signed* by Sarah Parker and P. Parker. L. J., XV. 112. [The original Petition of Appeal,* complaining of a Decree in Chancery of 3 Feb. 1690–1, was presented on 6 Nov. 1691. (L. J., XIV. 635). The Cause was first heard, on that Appeal, on 30 Nov. 1691. *Sir Thomas Powys* (for Appellants) opened the Case. The thing will turn upon a point in law, which the Chancery should have directed, whether by the words of the will he is tenant in tail or not. The intent of the Will must guide us. *Mr. Ward* (for Appellants): We conceive the Chancery has erred. *Sir William Williams* (for Respondents): This is an estate tail. The words are plain, and there can be no implication on the words thereof. 13 Hen. VII. *Mr. Finch* (for Respondents): It is an estate tail, and can be interpreted no other wise. *Sir William Williams* heard in reply. *Mr. Trevor* heard as to the portions. Counsel withdrew, and the Speaker reported. *The Judges* asked whether the words of the Will make an estate tail. *Holt, C. J.*, reads the words of the Will. It is an estate tail, in the son George. *Athyns, C. B.*: I am not of the same opinion with the L. C. Justice. I take it was only to enable him to make a jointure to another wife. *Gregory, J.*: As the Will is penned, it makes an estate tail. *Gregory, B.*: I think it is an estate tail. *Eyre, J.*: It is a devise to a tenant in tail. *Powell, B.*: It is an estate tail by implication, otherwise there might have been a male Defendant. *Holt, C. J.*,

* Not among the Records. *See* Annex (*e*).

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heard again: It is an estate tail to the first wife, but whether it is so after seems (*sic*). *Moved* that the Judges give their opinions in this case another day. *Ordered* as in L. J., XIV. 665. (MS. Min.)—On 2 Dec. the Judges were heard on the question whether by the words of the Will, Mr. Chute was tenant in tail? *Atkyns, C. B.:* I am of opinion that the testator intended his son should have an estate tail, and so his recovery is a good recovery. *Holt, C. J.:* I have not had time, but I should be glad to hear Counsel on this point. *Ordered* that it be referred to a trial at law, after which either side may resort to this House (MS. Min.; L. J., XIV. 668). On 17 Feb. 1691–2, on a Petition* of the Respondents, stating that the matter was not triable on ejectment, the House referred it to Justice Powell and Baron Powell to draw an Issue for the trial (L. J., XV. 80). The Issue was presented by Baron Powell and agreed to by the House on 22 Feb. (*ib.* 87), and on 15 Nov. on the above Petition of the Appellants, it was referred back to the same Judges to amend it (*ib.* 112). On 26 Jan. 1692–3, a Petition† of the Appellants was dismissed (*ib.* 202). Nothing further happened till 27 Nov. 1694, when the Appellants were ordered to answer a Petition* of the Respondents, presented that day, praying that the Issue might be enlarged, a Special Verdict having been found, the Court of King's Bench conceiving the Issue not sufficient to try the matter in question (*ib.* 436.) The Appeal was ultimately withdrawn 18 March 1695–6 (*ib.* 709.).]

Annexed:—

(*a.*) 26 Jan. 1692–3. Petition of Philadelphia, Sir George, Robert, Thomas and William Parker, children of Dame Sarah Parker, daughter of George Chute the elder, Esq., deceased, being infants by the said Dame Sarah Parker, their guardian. The tenants of the estate late of George Chute the elder have, since the death of George Chute the younger in 1689, refused to pay their rents. Petitioners have pleaded to the trial at law directed by their Lordships, but the cause is not yet tried. Pray that the tenants may be ordered to pay all growing rents and arrears. [Read this day and dismissed. L. J., XV. 202.]

(*b.*) 4 Dec. 1694. Petition of Appellants for a week's further time to answer Respondents' Petition of 27 Nov. last. L. J., XV. 438.

(*c.*) 18 March 1695–6. Petition of Sir George Parker, Bart., Philadelphia, Robert, Thomas and William Parker. The issue directed by their Lordships has been tried, and a Special Verdict found thereon, but the cause still remains undetermined, and, to avoid further expense, the parties have come to an agreement. Pray for leave to withdraw Appeal. L. J., XV. 709.

(*d.*) 18 March 1695–6. Order of the Court of Chancery, of 9 March, after hearing Mr. Dobyns for Plaintiffs [Respondents] and Mr. Vernon for Defendants [Appellants], reciting the terms of the agreement, and ordering that the said agreement be performed and that the Appellants, pursuant thereto, should withdraw their Appeal. *Signed* Edw. Goldesbrough.

(*e.*) 31 March 1695–6. Acknowledgment of receipt this day from Mr. Walker of the Petition of Appeal of Dame Sarah Parker against a Decree in Chancery obtained by Jeremiah Thornhill and others, and the Answer thereto and several other Petitions and Papers. *Signed* Geo. Townesend.

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* Not among the Records. *See* Annex (*e*).
† Annex (*a*).

594. Nov. 17. Butter and Cheese (Searching and Weighing) Bill.—Amended Draft of an Act for preventing abuses committed by the Searchers and Weighers of Butter and Cheese. Identical, as amended, with Sections i., ii., iii., iv., v. and vi. of the Act of 1692 (4 W. & M., c. 7., Fol. Ed.), except in the passages given in the second column below:—

Draft as amended.*	Act of 1692. (Fol. Ed.)
Clause 1.	Sect. i.
Forasmuch as [the County of Suffolk and some part of the County of Norfolk] *divers counties of this Kingdom* consist chiefly of dairy farms and are [chiefly] *in great measure* supported . . .	
. . . and the goodness of the butter secured . . .	Line 5. . . . and the goodness of the butter is secured . . .
. . . in [all] the sea-port towns in the said [County of Suffolk] *counties* . . .	Line 6. . . . in all or most of the sea-port towns in the said counties . . .
. . . approved by the said factors . . .	Line 8. . . . approved by the factors . . .
. . . said counties [of Norfolk and Suffolk], contrary . . .	
. . . exposes the same to sale *by searching and weighing the same, if he think fit,* the Seller shall not after be charged . . .	Line 19. . . . exposes the same to sale by searching or † weighing the same, if he think fit, the Seller shall not after be charged . . .
Clause 2.	Sect. ii.
. . . set his seal or mark upon the said butter, or name at length . . .	Line 3. . . . set his seal or mark upon the said butter, or the cask in which it is, or his name at length . . .
. . . fraud committed by the seller . . .	Line 6. . . . fraud be committed by the seller . . .
. . . or Justices *of the Peace,* by one or more witness . . .	
. . . forfeit the sum of *thirty shillings* for every such firkin . . .	Line 9. . . . forfeit the sum of twenty shillings for every such firkin . . .
Clause 3.	Sect. iii.
And to the end the trade for butter and cheese [into those counties] may not be engrossed . . .	
. . . port or place in [the said counties of Suffolk or Norfolk] *this Kingdom,* shall receive . . .	
. . . or other person dealing in the said commodities . . .	Line 6. . . . or other person making the said commodities . . .
. . . until the same can be shipped . . .	Line 6. . . . until the same shall ‡ be shipped . . .

* The omissions are shown by square brackets, and the additions by italics. Where the amendments are adopted in the Act, the latter is not quoted in the second column.

† So in Folio Edition. The original Act reads ("and"), as on the Draft.

‡ So in Folio Edition. The original Act reads ("can"), as on the Draft.

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Draft as amended—*continued.*	Act of 1692—*continued.*
. . . on the next ship, hoy or vessel that shall come to such port or place to lade butter and cheese, (except the owners of the said goods shall give orders to the contrary) and shall . . .	Line 8. . . . on the next ship, or hoy or vessel that shall come to such port or place to lade butter and cheese for London, (except the owners of the said goods shall give order to the contrary) and shall . . .
. . . the sum of *two shillings, six-pence* and no more; And if . . .	Line 11. . . . the sum of two shillings and six pence for every load and no more, and so proportionably; And if . . .
. . . for every firkin of butter *five shillings*, and for every weigh of cheese *ten shillings* . . .	Line 14. . . . for every firkin of butter ten shillings, and for every weigh of cheese five shillings . . .
Clause 4.*	Sect. iv.
. . . shall from and after the [first] *five and twentieth* day of [February] *March* next, keep a book . . .	Line 3. . . . shall from and after the first day of April, one thousand, six hundred, ninety and three, keep a book . . .
. . . or put on board, *and to whom the same are consigned*, which book . . .	
. . . or shall refuse *in the daytime* to produce such book . . .	
. . . shall forfeit *for every firkin of butter five shillings, and for every weigh of cheese ten shillings, and* for every *other the aforesaid* offence the sum of *five pounds*, . . .	Line 14. . . . shall forfeit for every firkin of butter two shillings and six pence, and for every weigh of cheese two shillings and six pence, and for every other the aforesaid offence the sum of two shillings and six pence, . . .
Clause [4] 5.	Sect. v.
. . . or shipper of butter and cheese, that then . . .	Line 4. . . . or shipper of butter and cheese, before the same be sufficiently laden, that then . . .
. . . so refused *five shillings*, and for every weigh of cheese *ten shillings* . . .	Line 6. . . . so refused five shillings, and for every weigh of cheese so refused two shillings and six pence . . .
Clause [5] 6.	Sect. vi.
. . . for the Justice or Justices . . .	Line 18. . . . for the Justice and† Justices . . .

[Read 1ª this day. (L. J., XV. 114). In Select Committee on 22 Nov., L. Cornwallis in the Chair, *Mr. Stiner* desired that the Cheesemongers of London might be heard. *Ordered* that they be heard, as well as all others concerned.—On 24 Nov., the parties being called in, *Mr. Sergeant Thompson* opened the Bill. He says the Cheesemongers have appointed officers contrary to law. *The Cheesemongers* say their Counsel could not attend now, and desire an afternoon; if not, that they may be heard by themselves now. They withdraw, and are recalled. *Ordered* that all parties be heard by their Counsel on the 29th.—On 29 Nov., the parties being called in, *Sir Thomas Powys* (for the Cheesemongers) says the Bill repeals the principal part of the Act 14 Car. II., though not in express words. There is no damage to the butter by unhooping the vessels. By this searching there is no doubt abroad of the goodness of the commodity. If the searching be only at

* The contents of this Clause, which is marked for insertion here, are taken from a Paper appended to the Draft.

† So in Folio Edition. The original Act reads ("or"), as in the Draft.

the sellers' houses, there can be no hurt to the farmer. The Cheesemongers have not power to shift the butter out of the firkin they buy it in. *Mr. Blackerby* (for the Bill): It is only 22 of the Cheesemongers who have engrossed the whole commodity, who oppose the Bill. They keep the butter often a month before they search. The Searchers are not sworn. I have heard they are broken tradesmen. They have raised 600*l.* a year by informations and indictments in Suffolk. We do not oppose a search at the seller's house. These Cheesemongers will suffer none but whom they please to trade into Suffolk. *Mr. Domvile* says that he and 13 others are prohibited trade there by the Thames Street Cheesemongers. *Mr. Ward* (for the Cheesemongers): This Bill repeals the Statute 14 Car. II. and gives leave to put on board on any private vessel. 14 Car. II. answers all the ends of well packing, whereas this Bill will countenance frauds and leave them unpunished. That Statute provides both for the quantity and quality, and has adapted punishments for persons that shall offend. The buyer cannot possibly last nor weigh the butter, for the farmer will not have it bored. The farmer is an eye-witness of the search of the butter at the waterside. *Mr. Blackerby:* The Weighers are no legal officers. This Bill only regulates the abuses they commit under colour of the Act. We are content that they should be weighed and searched at our own houses, as much as they please. These men will let none into trade with them but whom they please. *Mr. Ward:* It is impossible to discover at the buying. It will spoil the butter to see it upon the place. We cannot carry our axes and tools with us to the farmers' houses. The cask is often over-weight. *Mr. Blackerby:* The factor commonly strips the butter when he buys it. The Indicter pays no costs; the person is liable to pay double costs. Let the buyer be liable to pay the costs and the trade be open, and we agree. He offers a Clause to be added to the Bill, which is read.* *Ordered* that both sides attend on 3 Dec., in the Prince's Lodgings, and in the meantime swear such witnesses at the Bar as they shall then produce; and that the Cheesemongers have a copy of the Clause now offered. (Com. Book.)

3 Dec.† The Parties are called in. *Richard Savill* (sworn) (for the Cheesemongers in Thames Street) says he has been a factor in Suffolk. He has bought 80 firkins of butter and not viewed 6 at the buying them. The search is made at the time of the delivery in the presence of the seller. There are few sealed weights; they weigh with stones. They generally deliver at the water-side. They promise to make good what is bad; it often fails in goodness and weight. They have told me they had rather search at the warehouse than at home. He is now a Cheesemonger, and trades for butter into Suffolk. He cannot tell whether he can at home discover all defects; he believes he might, if he had his warehouse-keeper. *William Smith* (sworn): Has often bought butter in Suffolk, 400 firkins in a season. Some would suffer me to search, others would not. It has sometimes been good at top, bottom and sides, and grease in the middle. If we bore it through, the air will get in and damage it. In some great dairies there are sealed weights and iron beams; in most places there are wooden beams and stone weights. If we try it exactly at their houses, we must carry weights and beams. Some firkins have been made up so artificially that he could not discover it till he cut it up. He was not obliged to

* *See* Clause 4 in text of Bill above, corresponding with Sect. iv. of the Act of 1692.

† The MS. Min. of this day have the following entry: "E. Scarborough [and] E. Thanet [? added to Committee on the] Butter and Cheese [Bill]."

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buy if he did not like it. *Thomas Browne* (sworn): He used to buy at random and weigh afterwards. He trades sometimes for himself. *William Bath* (sworn): The Cooper strips the butter at the warehouse, and runs a knife into it. The seller brings it thither; there is often bad butter in it. He knows not that it damages the butter. He is a hoy-man. He never refused butter from any. He is at liberty to carry any man's goods. There are more vessels that do not carry butter than that do. He was never threatened by the Thames-Street men that if his son carried for any besides them, he should be turned out. He was not threatened, but White said if his son carried for anyone, it would be a means to have him turned out. *Nicholas Bowell* (sworn): He sold some pots to a gentleman, and one of them was more than dry salt. This was out of Staffordshire. *Thomas Briggs* (sworn): There are plenty of vessels for anyone. He has brought several loads of butter 12 years since for other persons. He never refused to bring up butter and cheese. He has offered his vessel to Mr. Forster. He is now freighted by the Thames-Street men. The country cannot want a vessel, if they will freight them. *William Betts* (sworn) (for the Bill): At one Sessions about 1674, there were about 200 informations against the farmers. They submitted rather than try, for they could compound for a mark apiece, and it would cost them much more if they had tried it. *Edmund Bohun* (sworn): Butter will naturally decay and lose its colour. They found no fault at their houses, but three months afterwards they would come for deductions. He always desired them to try it at his house, but they never would. The charge of a trial and bringing back the butter was so much greater than the abatement, that they chose rather to pay than try. All farmers have weights. They never stood for 2 lb. or 3 lb. of butter, if their weights were not sealed.—The House being set, the Lords are called in. (Com. Book.)

5 Dec. The parties are called in. *Edward Domvile* (sworn) (for the Bill): He went to Daniel Herne, the warehouse-keeper at Woodbridge, to ship his goods. He told him he durst not, though he lost more than 5*l.* a year by not doing it, besides, the Thames-Street Cheesemongers would turn him out if he did. Treasurer Hayes, at a meeting of the Cheesemongers, told him he should not deal in Suffolk. (He produces letters from his factors concerning the not lading his goods.) There are about 250 cheesemongers in London, about 22 Thames-Street men that deal to Suffolk. He was left out a year sooner, but Alderman Radford got him in again. *Benjamin Grevill* (sworn) says (*sic*). The House being set, they withdraw. *The Cheesemongers* desire to be heard by witnesses. *Ordered* accordingly, and that the witnesses be sworn. (Com. Book.)

7 Dec. The parties are called in. *Edward Domvile* (sworn) (for the Bill): In December last he desired Dan Herne, warehouse-keeper at Woodbridge, [but he] refused to take in his goods. *Benjamin Grevill* (sworn): The warehouse-keeper at Ipswich refused to ship his goods. *John Hampton* (sworn): His factor John Davy told him the Thames-Street men would not suffer him to deal in Suffolk. He acts for two or three Thames-Street men. *Richard Steele* (sworn): His master John Barnard has been hindered from shipping his goods in the common hoys, and he has been debarred of his market because he was forced to send his goods to Harwich. The hoymen have told him the wholesale men would not let them take in the goods. It has cost his master much money, because he is forced to send his goods about. *Samuel Palmer* (sworn): He has been hindered at Chester by these men in the shipping his cheese. He has been refused by the common hoys; they take them up to themselves.

Mr. Hayes (against the Bill): They will resign all the ships that they are not properly owners of, which they have now contracted with. He hopes they may hire and employ what vessels they please. *John Ewer* (sworn): There are 20 hoys at Aldborough that they may hire, which ply to London. At Ipswich there may every week be had a dozen. *William Barton* (sworn): There are plenty of ships and warehouses in Suffolk to be had. He went thither a stranger, and met with both. *Thomas Almond* (sworn): There are more vessels in Woodbridge unemployed than that are employed. There are several warehouses to be had there. There are about 9 or 10 hoys that go constantly to London, besides ketches, &c. He never refused to carry butter. He is hired by the Thames-Street Cheesemongers. Being asked, he would not say that if he was not full loaded by the Thames-Street men, that he durst take in any other man's butter and cheese.

8 Dec. The Bill read by paragraphs. Amendments made.* Bill ordered to be reported as amended.

The Bill was reported on 9 Dec., when the amendments were agreed to. (L. J., XV. 140.) In the Commons on 15 Dec., it was laid aside after a first reading and a debate "touching the second reading" (C. J., X. 744), and a new Bill was brought in, in its place, by Sir Samuel Bernardiston on the 17th (*ib.* 746), who, with others, brought it up to the Lords on 13th Feb. 1692–3. (L. J., XV. 227.)]

595. Nov. 17. Nussey *v.* Sheppard.—Petition and Appeal of Gilbert Nussey, Gent. Edward Clenche and Elizabeth his wife (since deceased) mortgaged in 1668 to Edward Sheppard, as security for 600*l.*, the inheritance, expectant on the death of Elizabeth Smith, relict of Samuel Aldgate, of the manor lands and advowson of the Church of Northam and certain lands in Bramford, Suffolk. In 1677 the mortgagee by will devised the mortgaged premises and reversions to his wife, his executrix, during her life, and, after her death, to his nephew William Sheppard, and gave to his nephew Thomas Sheppard his lands in Bramford after the estate for life limited in his will. Testator died in 1680, and his widow claiming, as residuary legatee, 404*l.* interest on the mortgage, Clenche, as security, mortgaged the equity of redemption to Benjamin Nussey, in trust for her. Appellant, having all the interest in the premises willed to him by the widow, proved her will as her executor, and in 1690 purchased in the absolute release of the equity of redemption for 150*l.* from William and Mary Clenche, the mortgagor's executors and devisees. Elizabeth Smith, the tenant for life, is still living. Sheppard's two nephews claiming the premises when they should fall in possession or some part of the money lent thereon, Appellant brought his Bill in Chancery against them and Elizabeth Smith, William and Mary Clenche and Laurence Nussey, praying the direction of the Court on the construction of Edward Sheppard's will as to the money lent on the mortgage, and for possession after the death of the tenant for life. The two nephews brought a Cross Bill to compel Appellant to pay the money or be foreclosed of the equity of redemption. The Lords Commissioners, on hearing both causes, on 22 June 1692, refused to relieve Appellant, but gave him time to consider whether he would redeem on payment of principal, interest and costs. Appeals from this Decretal Order, and prays that the mortgage money may be decreed to him and Respondents ordered to answer. *Signed* by Appellant; *Countersigned* by Wm. Whitelocke and Tho. Filmer. All the signatures are copied. L. J., XV. 113. [The Cause was heard

* *See* text of Bill where quoted in first column above.

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on 21 Dec. *Mr. Finch* (for Appellant): He treats for the Estate and for that there is an absolute conveyance, and she dies and makes an executor and conveys to us. When the Appellant and Respondents come to treat, then they differ about their shares. (They read the words of the Will: "I give and devise unto the said Elizabeth," &c.) *Sir Thomas Powys* (for Appellant): They will hardly be able to maintain this Decree as it now stands. It is we who are entitled, as we are the executor of this woman, and [to] all the interest. Here is a dry reversion; no profit until the tenant for life is dead. If she has it not as devisee, she must have it as executrix. *The Solicitor-General* (for Respondents): This mortgage was made in 1668. It is a mortgage of a reversion. No interest was paid, and Clenche makes his Will and devises his land as they have read. He dies in 1680, and in 1682 she comes as executrix, and here is an account stated for 600*l.* We admitted to a redemption, paying the principal money, interest and costs. They were not willing to do this, and did not redeem, and so the Bill stood dismissed. If we had not submitted to this redemption, then the Court was absolutely of opinion they ought not to redeem. The question is, whether the Court did well to let them in to redeem. We are entitled to part of the interest and principal. *Mr. Poley* (for Respondent): There was no further sum advanced. She had no estate vested in her. If the devise carries anything, it carries all. *Mr. Finch* and *Sir Thos. Powys* heard in reply. Counsel withdrew, and Speaker reported. *Judges* heard as to what is usual in cases of equity upon redemption of mortgages. *Lechmere, B.*, heard to the case. *Turton, B.:* If all be given away, nothing can come to the executrix. *Powell, B.:* The general word will carry that to her. The Decree was then reversed, with directions as in L. J., XV. 159. (MS. Min.)]

Annexed:—

(*a.*) 1 Dec. Answer of William Sheppard and Thomas Sheppard. Respondents' uncle left by his will the manor and a moiety of the advowson of the Church of Northam after his wife's death to Respondent William, and the lands in Bramford, being the rest of the mortgaged premises, to Thomas, after the estate for life limited should be determined. Testator's widow dying during the lifetime of Elizabeth Smith, no interest in the mortgage vested in or was intended by testator for his widow, but it went to Respondents, his nearest relations. Elizabeth Sheppard had no title, as her husband's executrix, to the interest money on the mortgage, and if she took any other security therefor from Clenche, it was only colourable and with intent to defraud Respondents. Respondents offered to let Appellant redeem, though the mortgaged premises were not strictly redeemable. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents; *Countersigned* by Tho. Trevor and Hen. Poley. All the signatures are copied. *Endorsed* as brought in this day.

(*b.*) 7 Dec. Petition of Appellant for a day for hearing. L. J., XV. 136.

596. Nov. 17. E. Exeter and E. Devonshire *v.* Clerke.—Petition and Appeal of John, Earl of Exeter, and William, Earl of Devonshire. Petitioner, the E. Exeter, as surviving executor of William, late E. Devon, in trust to pay his debts and legacies, and other sums, became liable by his testator's covenant, on the death of Lady Holderness without issue in Feb. 1689, to pay 6,000*l.* to Sir John Nicholas, Kt., on his assigning of a term of 2,000 years in the manor of Stavely, co. Derby, vested in him as a trustee for securing

thereof. The sum being claimed under one title by Elizabeth Clerke, spinster; under a second title by Dame Joyce Turner and Isabella Clerke, widows; and under a third title by Francis Skinner and others, the creditors of Philip Warwick, Esq., Petitioner, the E. Exeter, was forced to apply to Chancery for directions, and accordingly, with the E. Devon, brought his Bill against Elizabeth Clerke, Dame Joyce Turner, Isabella Clerke, Matthew Johnson and John Tench, and also Sir John Nicholas for directions and indemnity, and to compel Sir John Nicholas, on payment of the money, to assign the said term, Sir John, who had the legal right to the money, refusing to receive it or assign the term without the direction of the Court. The other persons, who claimed the money, not agreeing among themselves to whom it should be paid, brought several Bills against Petitioners on distinct titles, created by Sir Philip Warwick and his son Philip, who had the original title to the money. The Court, on hearing all the causes together on 13 May 1692, decreed Petitioner, the E. Exeter, to pay the 6,000*l.* with interest to Master Keck to the use of the creditors and the residue to Elizabeth Clerke, and on 23 August 1692 ordered that unless Petitioners paid the same within three weeks, they should pay interest till the principal was paid. Thus the E. Exeter has to pay above 700*l.* interest since bringing his Bill, although he was ready to pay the principal when first due, and was only prevented from so doing by having to receive the directions of the Court as to whom to pay it. Appeals against the Decree and Order as to the payment of interest. Prays that Elizabeth Clerke and the others first named may be ordered to answer. *Signed* by Appellants; *Countersigned* by Tho. Trevor, Wm. Dobyns, and Rich. Holford. L. J., XV. 114. [The Cause was heard on 12 Dec. *The Attorney-General* and *Solicitor-General* were heard for Appellants. *Sir William Williams* heard for Respondents. *Mr. Finch* (for Respondents): There was no tender to discharge the growing interest. *Counsel* for Appellants heard in reply. Counsel withdrew, and Speaker reported. *Judges* heard as to where by law the money is to be tendered and paid? If a time and place appointed, then at the time and place. If otherwise, he is to seek where the party is, that is to take it. If the Appellants had proved they offered the money to Sir John Nicholas, it had been something, but this is another case. *Lechmere, B.:* Sir John Nicholas was to be paid the money, if the money was brought to a place and tendered. *Rokeby, J.:* There is no tender without actually producing the money. *Ordered*, that the Decree be affirmed. (L. J., XV. 144; MS. Min.)]

Annexed:—

(*a.*) 24 Nov. Answer of Elizabeth Clerke, Spinster. Respondent claims as Executrix of Philip Warwick, whose creditors only claim as much of the money as will satisfy their debts. The Appellants' Bill was as well to discover and clear an incumbrance of 1,800*l.*, on a judgment acknowledged by the late L. Frescheville, as about the payment of the money. The deed of security ought to guide the payment of interest. Prays that the Appeal may be dismissed. *Signed* by Respondent; *Countersigned* by Ja. Master. *Endorsed* as brought in this day. *See also* MS. Min.

(*b.*) 25 Nov. Answer of Francis Skinner, John Waterworth, Sir Robert Atkyns, Adam Waringe, Nicholas Knolles, Edward Miller, Sarah Barebone, Thomas Jones, Charles Brexton and Mary his wife, William Webb and Anne his wife, John Jeffes and Mary his wife, the Earl of Holderness, Barbara Lyster and others, Creditors of Philip Warwick, Esq., deceased. Respon-

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dents are creditors for between 4,000*l.* and 5,000*l.* of the late Sir Philip Warwick, whose sisters and co-heirs, Dame Joyce Turner and Isabella Clerke, claim, like Elizabeth Clerke, by virtue of devises in his will. Respondents have procured two Reports of the Master for their debts, and are not concerned in the question of interest, the principal sufficing to meet their claims. Pray for leave to proceed in Chancery to recover their debts, and to be dismissed with costs. *Signed* by Skinner, Waterworth, Waringe, Barebone and Jeffes; *Countersigned* by Robert Dormer. *Endorsed* as brought in this day.

597. Nov. 17. Sir C. Wood, *alias* Cranmer, *v.* D. Southampton.—Petition and Appeal of Sir Cæsar Wood, *alias* Cranmer. Appellant's uncle, Sir Henry Wood, in 1671, in consideration of an intended marriage between his only child, Mary, and the Respondent, then E. Southampton, aged then respectively 7 and 11, and of a declaration by the King that he would settle 2,000*l.* a year in land on Respondent for life, and afterwards to Mary for life as a jointure, with remainder to their sons, conveyed his estate, worth 4,000*l.* a year, to E. St. Albans and others, in trust to provide a maintenance for Mary till the age of 17 or marriage, the residue to go after the marriage to Respondent, he giving security to provide for any daughters. If, after Sir Henry's death, Mary should die or marry another before 17, Respondent then unmarried, or should after 16, being unmarried, refuse to marry him, then the trustees were to pay him 20,000*l.*; but if the marriage should take effect after her age of 16, then the estate to be in trust for her and Respondent, or the longer liver, and their issue, failing which, to such persons as Sir Henry should appoint by will. Sir Henry, by his will, confirming the settlement, devised the estate, in case the marriage should not take effect, or there should be no sons, or the sons should die without male issue, to Mary for life, remainder to Dr. Thomas Wood, testator's brother and late Bishop of Coventry and Lichfield, and his issue in tail, failing which to his sister Lady Chester for life, remainder to Appellant and his heirs male (on condition of their changing their names to Wood), with other remainders over. Shortly after Sir Henry's death, Respondent's mother, the Duchess of Cleveland, took Mary away from her guardian, Lady Chester, and married her to Respondent, but both being then under the age of consent, they were remarried after Mary was 12, each time without Lady Chester's consent. Mary died in 1680, leaving no issue, and Dr. Wood claimed and possessed the estate. Respondent, who has received more than 20,000*l.* out of the personal estate and the profits of the real estate which accrued before his wife's death, although the 2,000*l.* a year was never settled by the King according to the marriage agreement, nor has Respondent performed any of the conditions, acquiesced in Dr. Wood's possession till 1689, when he brought a Bill in Chancery against him and Appellant. Dr. Wood dying pending the suit, and Lady Chester being also dead, Appellant took possession and brought his Bill against Respondent; but the Lords Commissioners, on hearing both causes in Oct. 1692, dismissed Appellant's Bill and ordered him to account for the profits received since Mary's death, and that the tenants should attorn to Respondent, thus making Appellant only a trustee to Respondent for life, contrary to the true construction of the settlement and will, which intended no life estate for Respondent, but on a precedent condition which has not been performed. Prays that the Decree may be reversed. *Signed* by Appellant; *Countersigned* by Wi. Williams, J. Somers, Fr. Pemberton, W. Thomson, Jo. Conyers,

T. Powys, W. Dobyns and Martin Folkes. L. J., XV. 113. [The Cause was heard on 5 Dec. 1692. Counsel being called in, and no Counsel appearing for Respondent, Counsel for Appellant withdrew, and after debate, Respondent's Solicitor was called in, and said he gave notice to Sir Thos. Trevor and Mr. Vernon. *Ordered* that Respondents' Counsel be reprimanded by the Speaker, which was accordingly done when they came in. *Attorney General* (for Appellant): This is a case of great consequence, where the Chancery have taken great liberty beyond the usual bounds. The marriage was to take effect after Mary's age of 16. This was done when she was but 7 years old. If Mary refused to marry the Earl, then the Earl was to have 20,000*l.* out of the estate. The Earl was to make a suitable settlement. Sir Henry had no issue male. This treaty was in 1671. The Deed of Settlement recited by the Attorney. Sir Henry Wood had power to appoint trusts, and at the same time the Will of Sir Henry was made, and the Will was to provide for the issue, and in his Will he recites the settlement. The limitations are by the Will. Sir Henry dies when his daughter is 7 years old. She was to marry at 17, and at her discretion to choose, at the penalty of 20,000*l.* She died without issue male. The words of the deed are plainly with us, and we think the intent of the deed is with us. The words say: when the marriage takes effect and there is issue male. There were several accidents that might happen; but every case was provided for. In case of issue male, then the bulk of his estate was to go there for the sake of his name and blood. This is the interest that is to come by the woman having a son. There is nothing of an estate nor omission in the settlement to prove his intention. But if it were not so, the question is, what the provision was. The Will and Deed are made together and are but one conveyance. The Will only goes to the issue upon the marriage. The Will agrees with the deed. It is by express word in the Will, that neither the Duke nor Duchess was to have an estate except there were issue male. It is objected that this is a strange and unreasonable settlement. By the Will it cannot rise till after the death of the mother. Nothing can take effect till after issue male. *Mr. Finch* (for Appellant): It is one entire condition, made up of several parts. What are the parts that make up this condition precedent? The condition must be performed. This is not the same question as was in relation to the personal estate. This is the [?] time of marriage mentioned. We think there must be a marriage, and after 16 and issue male, before the estate goes. Upon what consideration could the Court divide this? There is no other method in Courts of Equity than the rules of law. If, when settlements are made, the law be not the rule, then there is no security. They will break this precedent condition, and this they would make part for one and part for the other. Where an estate is limited in trust, that which is not limited goes to the heir. Sir Henry's Will does not give to the daughters of that marriage. Is there any proof that Sir Henry did not intend this? Why must we suppose this? They say there is an absurdity. There is none. The law provides in all the cases. *Solicitor General* (for Respondent): I do not doubt but we shall give full satisfaction for this decree. Recites the deed of May, 1671. The end of this settlement was that Sir Henry's daughter should marry this Lord. This is plain by the deed. I come to the Clause they stand on: if the marriage shall take effect at the age of 16. This is annexed to the penalty of 20,000*l.* This cannot be sense without this construction. The Duchess's estate is void, as they say. The Duchess by the words cannot take except the Duke does. Sir Cæsar claims by the Will and the power in it. This is one entire dis-

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position of the estate, the deed and the Will. The Duke is yet living, so till after the Duke's death, Sir Cæsar cannot come in. These are such uncertainties, that no man can make such obstructions as they would have. This is but a description of the settlement to come after. Is there anything in the Deed or Will that limits this any other way? *Mr. Vernon* (for Respondent): They agree it is a case in Equity. It was upon trust. Here is no estate executed at law. The intention of the parties is to govern this. This intent is declared in the deed, that if the marriage take effect, &c. Now it has taken effect, and yet he shall have nothing at all, if they are not to have an estate. The deed only shows what manner it should go in, and so Respondent is entitled to the most favourable construction. Appellant's Counsel having replied, the Speaker reported, and the Decree was ordered to be reversed. L. J., XV. 134; MS. Min. *See* Shower's Cases in Parliament, p. 83.]

Annexed:—

(*a.*) 26 Nov. Answer of the Right Hon. Charles, Duke of Southampton. Sir Henry Wood, desiring to marry his daughter to Respondent, addressed Charles II. for his consent, saying, "As I got my estate under your Majesty and the Queen, your mother, I do desire and think it just to dispose it according to your Majesty's pleasure, which I am ready to do when your Majesty pleases, and I am sorry it is no more for this young Lord's sake" (meaning Respondent, who then stood by him), and the King accordingly consented to the marriage. The trustees under the settlement were E. St. Albans, L. Arlington, Sir Thos. Clifford, Dame Mary Chester, Dr. Thomas Wood (afterwards Bishop of Coventry and Lichfield), Appellant and John Gardiner, Esq. Sir Henry Wood's intention was that Respondent should have an estate for life if he married Mary. The latter was brought to Respondent's mother by Sir Henry's directions. The second marriage took place on 29 June, 1676, before Dr. Fell, Bishop of Oxford, Respondent being then above 14 and Mary above 12, and they lived together till Mary's death, between the ages of 16 and 17, when Dr. Wood and Lady Chester, who had been appointed her executors in trust till her age of 21 or marriage (after which Mary was to be sole executrix) possessed all Sir Henry's personal estate, amounting to 27,000*l.*, and Appellant, as one of the trustees, received most of the profits of the real estate from the death of Sir Henry to that of Mary. The executors and Appellant refusing to give account, Respondent in 1683 brought his Bill in Chancery, and obtained a Decree which was affirmed on Appeal in 1689 by the House.* Appellant has not paid Respondent a penny, and pretends that Lady Chester left no assets. Respondent, after great expense, received of Dr. Wood and Sir Stephen Fox about 7,000*l.* or 8,000*l.*, most of which went to Mary's creditors and the suit. Respondent, after the said Decree was affirmed, brought a Bill against Dr. Wood and Appellant, as the surviving trustees, to have the real estate for life; but as the former insisted on his privilege as a Bishop, he could not proceed till after his death last April, when he proceeded against Appellant. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Tho. Trevor, J. Ewer and Rich. Holford. *Endorsed* as brought in this day.

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* *See* Calendar, 12th Report, App. Part VI., No. **193.**

598. Nov. 17. Bellamy *v.* Allen.—Petition and Appeal of John Bellamy, Executor of William Bellamy, his father, deceased. Petitioner, owing 1,500*l.* to Daniel Lodge, a merchant at Amsterdam, on account of several Bills of Exchange, gave bonds with his father for the debt to James Briggs, a merchant in London, who with his partner Samuel Hodgkins, had paid the Bills for Lodge, on which bonds Briggs obtained judgments. Petitioner and his father, afterwards, having great losses in trade, compounded with their creditors, including Briggs, who acknowledged satisfaction on the judgments, but, unknown to Petitioner, compounded, through one Everson, with Lodge at 30*l.* per cent. for what Lodge owed him and Hodgkins. Briggs becoming bankrupt, his assignees, the Respondents, brought a Bill in Chancery against Petitioner and his father for the 1,500*l.*, who answered, stating that they had paid Briggs 375*l*, under the composition, not knowing then that he was a bankrupt, and pleaded the release of the judgments. The Court set aside the composition and decreed the whole sum claimed. There was no proof that the composition with Briggs was by collusion or intended to defeat the other creditors. Prays that the Decree may be reversed, and Respondents ordered to answer. *Signed* by Appellant; *Countersigned* by Jam. Leman and Tho. Trevor. L. J., XV. 113. [The Cause was heard on 24 Jan. 1692–3. *The Solicitor-General* (for Appellant) opened the case. *Mr. Finch* (for Appellant): There was a release given, and a discharge of the security. The Decree is wrong. It is that they shall have the full sum on the bonds—principal and interest. There should have been no decree, and if any, then they should have given 30 per cent. *Sir William Whitelocke* (for Respondents): The Decree is justifiable. *Mr. Jennings* (for Respondents) is heard. *Counsel* for Appellant heard in reply. Counsel withdrew, and Speaker reported. *Ordered* that the Decree be affirmed, (L. J., XV. 197; MS. Min.)]

Annexed:—

(*a.*) 29 Nov. Petition of Respondents for ten days further time to answer. L. J., XV. 128.

(*b.*) 9 Dec. Answer of Respondents. Appellant and Briggs both failing to meet their debts, withdrew at different times to the Mint, where they consorted together. The bonds on which judgment was obtained had been delivered over to Respondents by Briggs long before his bankruptcy, as security for a debt of 3,000*l.*, and were held after his bankruptcy by Respondents as his assignees. Recite at length the proceedings below. Appellant, who owed Lodge 2,300*l.*, first accepted the Bills, but refused to pay them when due, and allowed them to be protested, and Briggs took them up for Lodge, being his correspondent. The 30*l.* per cent. composition made by Everson was no part of Appellant's debt, but was for other sums owed by Lodge to Briggs. The Decree of 25 Oct. 1692 was just. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents; *Countersigned* by Wm. Whitelocke. *Endorsed* as brought in this day.

(*c.*) 14 Dec. Petition of Respondents for an early day for hearing. L. J., XV. 148.

(*d.*) 2 Jan. 1692–3. Petition of Appellant that the hearing may be put off for a week, the order in Chancery not having yet been drawn up. L. J., XV. 170.

599. Nov. 17. Godwin *v.* Foscraft.—Petition and Appeal of Edmund Godwin and Mary, his wife, Roger Gill and Eleanor, his

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wife, and Charles Horne. Respondent's father, William Foscraft, having authorised his wife Martha to provide for their daughters Mary Godwin, Eleanor Gill and Elizabeth, wife of Respondent Horne, on their marriage, Martha agreed to give them each 100*l.* as portion on marriage, 100*l.* more at her death, and 100*l.* more out of her husband's monies in Sir Robert Vyner's hands. The first 100*l.* was accordingly paid to them, but their brother, the Respondent, to defeat payment of the rest, obtained from his father a fraudulent assignment of his estate, declaring that he would provide for him and pay the remaining portions, and after his mother's death, brought a Bill in Chancery for the portions already paid. Appellants brought a Cross Bill to discover the writings empowering Martha to act for her husband, and to have the marriage agreements performed, and in June 1687 the Master of the Rolls ordered Appellants to account to Respondent for the father's personal estate in their hands over and above the first 100*l.* paid to each on marriage. The L. Chancellor Jeffreys, on a rehearing, allowed Appellants to proceed at law for their full portions, and they obtained verdicts for the 100*l.* payable at Martha's death; but in June 1692 the Court of Chancery decreed Appellant Godwin to pay 165*l.* to Respondent with interest and costs, which he had before paid and divided among the other Appellants, according to Martha's appointment, and vacated the recognizance entered into by Respondent to avoid execution on the judgments at law. Appeals from this Decree. *Signed* by Appellants; *Countersigned* by Wi. Williams and E. Jennings. L. J., XV. 113. [The Cause was heard on 15 Dec. *Sir William Williams* (for Appellants): He employed his wife in the marriage agreement, and he was to have 100*l.* at the death of the mother, and after, another 100*l.* and part of Sir Robert Vyner's debt. These were several agreements, but the terms were the same. They were made the first before the Statute. In 1685 the woman dies, and now what effect this deed will have in this cause is the case. The scrivener was to keep this deed as a trust, and this deed was got out of the hands of the scrivener. In 1682 Godwin borrows 200*l.* of the woman, and pays interest until 1685, and the Chancery has decreed my client to pay this money to the Respondent. We brought actions at law, and these came to trial in 1688, and the verdicts find these marriage agreements. Here is our money, judgment and execution taken from us. *Mr. Ward* (for Appellants): Nobody can say but we have proved our marriage agreement, and have verdicts for it, and that the husband consented. We have paid this money pursuant to our marriage agreement, and yet we are decreed to pay it again. *Sir Ambrose Phillipps:* The Chancery has an order [for] the payment of the 1,650*l.* *Mr. Finch* (for Respondent): To this deed, thus made, the witnesses are Godwin and Gill, the Appellants, and yet pretend a title to 100*l.* apiece more. In that deed there is no power for the wife to dispose of anything. They made it with the wife, and not with the husband. The Cause was heard at the Rolls and then in Chancery before L. Jeffreys, and reheard before the present Commissioners and affirmed. L. Jeffreys, say they, gave us leave to go to law, and there they have got a verdict. *Sir William Williams* heard in reply. Counsel withdrew, and the Speaker reported. *Ordered*, that the Decree be reversed. (L. J., XV. 148; MS. Min.)]

Annexed:—

(*a.*) 26 Nov. Answer of William Foscraft. Respondent was legally entitled to his father's personal estate under a deed poll of 25 Dec. 1685. Appellants having possessed themselves of part of the estate, and the Appellant Godwin owing it 225*l.* besides other sums, Respondent brought his Bill against them to discover

what had been paid them by his mother, and for leave to sue Godwin in Horne's name on the bond, in case he refused to pay the 225*l*. Recites the proceedings below as stated in Appeal. Prays that the Appeal may be dismissed with costs. *Unsigned* by Respondent; *Countersigned* by Ambrose Phillipps, whose signature is copied. *Endorsed* as brought in this day.

600. Nov. 18. Wake's Estate Act.—Amended draft of an Act to enable William Wake, Gent., and William Wake, Doctor in Divinity, to make leases for lives or years within the manor of Shapwicke, in the County of Dorset. The Lords' one amendment is purely clerical (Com. Book, 25 Nov.). No amendments in the Commons. [Read 1ª this day; Royal Assent, 20 Jan. 1692–3. (L.J., XV. 116, 193.) 4 W. & M. c. 10. in Long Calendar. In Committee *Mr. Folkes* said the marriage was treated by him. The marriage treaty was drawn by him, and if the making of leases had been mentioned, it had certainly been put in the settlement. It would be the interest of the family to take fines and set leases. Forty persons would be ruined if they had not this power of renewing leases. (Com. Book, 25 Nov.)]

601. Nov. 19. Court of Chancery (Review of Causes) Bill.—Draft of an Act for the better Reviewing of Causes in Chancery and other Courts of Equity. Whereas it is found by experience that rehearings and bills of review before the same persons or in the same Court where the first hearing was, have not been of sufficient efficacy for the relief of the subjects of this realm against erroneous and unjust decrees, such rehearings and bills of review for the most part tending only to the increase of charge and trouble to the suitors, Be it enacted by the King and Queen's most excellent Majesties, &c., That for the future there shall be no such rehearings or bills of review in the same Court that made or pronounced the decree supposed to be erroneous or unjust, but instead thereof, if any person or persons shall think themselves grieved by any order hereafter to be made upon arguing of any plea or demurrer, or by any decree or dismission in Chancery or other Court of Equity within England or Wales, such person and persons may, within (*blank*) months after such order, decree or dismission shall be entered with the Register of the Court where the same shall be pronounced, exhibit a Petition, signed by two counsellors or barristers-at-law, of at least ten years standing and practice at the bar, to the Justices of the Court of King's Bench and Common Pleas and Barons of the Exchequer of the degree of the Coif for the time being, if such order, decree or dismission be of any Court but the Exchequer, and if of the Exchequer, then to the Justices of the King's Bench and Common Pleas only, thereby assigning and mentioning the error in such decree, order or dismission, and requesting them to hear the Cause and to review and rectify such order, decree or dismission, and upon delivering of such Petition to the Chief Justice of the King's Bench for the time being, and upon the party or parties so petitioning, or some sufficient person on his behalf, entering into a Recognizance before such Chief Justice of the King's Bench, if the Petition be against a decree for anything to be paid or done, in double the value of the thing decreed, or if against any other order or dismission, in the sum of (*blank*) pounds, to prosecute his said Petition with effect, and in case the decree petitioned against be not performed before such Petition exhibited to perform such decree or such part thereof as shall be affirmed, within such time as shall be appointed upon such affirmation, and also to pay such reasonable and necessary costs as shall be adjudged against the petitioner or petitioners, either upon affirmance of such order, decree or

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dismission, or upon dismission of his or their Petition for want of prosecution, the said Chief Justice shall make a certificate thereof and appoint a day for hearing of the said Cause, for which certificate the said Chief Justice shall have and receive the fee of (*blank*), and after such certificate * *shewed to the Court where the order, decree or dismission petitioned against was or shall be pronounced or made, and notice thereof given to* the other party or his Clerk in Court, all further prosecution upon such order, decree or dismission shall be wholly superseded, until the cause shall be heard and determined, pursuant to this Act, or the Petition dismissed for want of prosecution.

And be it further enacted by the authority aforesaid, That such of the said Justices of the King's Bench, Common Pleas and Barons of the Exchequer, to whom such Petition shall be exhibited as aforesaid, shall and are hereby empowered and required to hear every such cause and to review every such order, decree and dismission complained against by Petition exhibited in manner aforesaid, and in order thereunto, they are to assemble and meet together in some convenient place upon every Tuesday, Thursday and Saturday in the afternoon in term time, and every day for the next fourteen days together that is not Sunday after every term, and oftener if need shall require, and having due regard to the Common Law and Statutes of this realm, such of them to whom such Petition shall be exhibited as aforesaid, or any five of them, against whom no just exception shall be made at the hearing, and whereof one of the Chiefs shall be one, are to reverse, affirm or alter such order, decree or dismission, and to make such further order and decree therein as to them shall seem agreeable to equity and justice, and award the party prevailing his full reasonable costs thereby put unto and sustained, and after such order and decree, as shall be by them pronounced, shall be drawn up in form and signed by the major part of them that were present at such hearing, the same shall be remitted to and enrolled and put in execution in and by the Court where the order, decree or dismission complained against was or shall be made.

And for the better execution of this Act, Be it further enacted by the authority aforesaid, That the Register of the Court where the order, decree or dismission complained against was made, or his sufficient deputy, shall attend and observe the said Justices and Barons, at their sittings pursuant to this Act, to take notes and memorandums of the judgment and directions of the said Justices and Barons, and the said Justices and Barons, or the major part of them, shall appoint such other officers as shall be necessary at such hearings, and the Justices and Barons present at such hearing, and to whom by this Act it shall appertain, and the Register or his deputy and other officers attending the same, shall have and receive such fees for their attendance at such hearings, and for drawing and signing such order and decrees, as shall be made at such hearings, as the Lord Chancellor, Lord Keeper, Lords Commissioners for custody of the Great Seal, Register and other officers of the Chancery have usually had and received for or in respect of hearings, orders, decrees and dismissions in the Court of Chancery. [Read 1ª this day. (L. J., XV. 117.) No further proceedings.†]

602. Nov. 19. Davy *v.* Courtenay.—Petition and Appeal of Dorothy Davy, widow, and John Nicholls, the elder, and John Nicholls, the younger, Esquires. The late Sir James Smyth, Knt., having a real estate of 2,000*l.* a year and a personal estate of at least 20,000*l.*,

* Instead of the words in italics, the text originally ran thus: ("showed to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the custody of the Great Seal, or other judge of any other Court of Equity or to.")

† Compare the Bill of 1691. Calendar, 13th Report, No. 438.

and having great kindness for Petitioners Dorothy and John Nicholls the younger, his heirs-at-law, the former being eldest daughter of his only brother George, and the latter eldest son and heir of John Nicholls, deceased, son and heir of Lucy, another daughter of George, by the Petitioner John Nicholls the elder, declared in his lifetime his intention to leave one moiety of his lands to Dorothy and the other to John Nicholls the elder, during life, and afterwards to John Nicholls the younger in fee. Sir James falling sick about 1681 and being weak of intellect, was prevailed on to seal a will, devising all his property to Sir William Courtenay, James Lucy and Richard Osborne, on trust to pay the surplus, after discharging his debts, legacies and funeral expenses, to his widow Dame Anne, as his executrix. After his death, the trustees brought a Bill in Chancery against Dorothy and John Nicholls the elder, and the said John Nicholls, deceased, to discover their titles and to have the trust executed for payment of the debts and legacies, though there was not a single legacy devised by the will. Dorothy afterwards brought her ejectment for recovery of her moiety, but was forced to become nonsuit, the Judge refusing to examine her witnesses against the execution of the pretended will; and the late Lord Keeper North, on 17 June, 36 Car. II., decreed that she should join in a sale of the testator's lands, and ordered the lands to be sold, unless she gave notice within a fortnight of her intention to try her title at law against the will. Petitioners, living far remote from town, in Cornwall and Devon, failed to give such notice, and Dorothy, not daring to stir further in the reign of James II., delayed bringing another ejectment till 1689, when Respondents obtained two orders of the Court of Chancery, of Nov. 14 and 28 of that year, awarding a perpetual injunction against her. Pray that the Decree and Orders may be discharged, or at least that they may be allowed to try the validity of the will at law. *Signed* by Appellants; *Countersigned* by Edm. Gibbon and John Pratt. L. J., XV. 116. [The Cause was heard on 5 Jan. 1692–3. *Mr. Finch* (for Appellants): In 1681 Sir James Smyth made his will. We desire liberty to try our title at law. *Mr. Ward* (for Appellants): We desire a trial for the proof of our Will. *Serjeant Tremaine* (for Respondents) is heard. *Sir William Williams* (for Respondents): They have had a trial at law. Counsel for Appellants heard in reply. Counsel withdrew and Speaker reported. *Ordered* that a new trial be had, &c., as in L. J., XV. 173. (MS. Min.) For further proceedings see Notes to Annex (*g*.).]

Annexed:—

(*a*.) 3 Dec. Several Answer of Sir William Courtenay, Bart. Sir James Smyth's real estate was worth only about 700*l*. a year, and most of it was mortgaged for 4,000*l*.; and Respondent believes his personal estate was less than is alleged, being insufficient to pay his debts. He left his paternal estate of about 5,000*l*. or 6,000*l*. to descend to Respondents, who have since sold it. His will, devising all his lands to Respondents and to the trustees Jacob (not James) Lucy, since deceased, Lucy and Osborne, was made when he was of perfectly sound mind, and has been proved and its validity established at law, when Dorothy was nonsuited. The trustees being willing to be discharged of the trust, Lady Smyth in 35 Car. II. brought her Bill in Chancery against them, to have the trusts transferred to herself, and on 7 June of that year the L. Keeper North ordered them to assign their interest accordingly, which has since been done. Prays to be dismissed with costs. *Endorsed* as brought in this day.

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(*b.*) 3 Dec. Answer of Richard Osborne, Esq. Knows nothing of Appellants' relationship to Sir James Smyth, nor of what kindness he promised them in his lifetime. Rest almost *verbatim* as in preceding. *Endorsed* as brought in this day.

(*c.*) 6 Dec. Petition of Appellants. The Respondents Courtenay and Osborne (Lucy being dead) have put in their answer, stating that they have assigned their trust to Lady Smyth. Pray that she may be made a party Respondent and ordered to answer, and that the Appeal may be further amended by altering Lucy's Christian name from James to Jacob. L. J., XV. 135.

(*d.*) 13 Dec. Answer of Dame Anne Smyth, widow. Sir James' real estate was not worth more than 500*l.* a year, and his personal estate was only 500*l.* Appellants have sold his paternal estate for 5,000*l.*, as she hears. Sir James owed upwards of 6,000*l.*, and mortgaged his lands as security to Sir Robt. Leake and Jacob Lucy, and having had a portion fortune and estate of 10,000*l.* with Respondent on her marriage, made his will on 21 Oct. 1681 in due form, and in possession of a sound mind and memory, leaving his property, after payment of his debts, &c., in trust for Respondent, who had nothing to expect besides this provision. The Appellant Dorothy suffered nonsuit after full evidence taken as to the will. Appellants are foreclosed of any further trial at law. Respondent has paid off or secured most of the mortgages and debts, and caused the mortgages to be assigned to others. *Endorsed* as brought in this day.

(*e.*) 16 Dec. Petition of Appellants for an early day for hearing, and that Lady Smyth or the trustees may produce the deed assigning the trust to her, or deliver a copy to Petitioners. L. J., XV. 149.

(*f.*) 7 Jan. 1692–3. Petition of Lady Smyth. Their Lordships have directed a feigned issue to be tried touching the validity of the will. (L. J., XV. 173.) Petitioner, the residuary legatee, having already paid 5,000*l.* or 6,000*l.* towards discharging testator's debts, is obliged to pay so much more, and must therefore sell the estate or be ruined by the growing interest. Col. Godfrey, one of the witnesses to the will, is dead since the last trial, and the other witnesses are aged and weak. Prays their Lordships to order a time for trying the said issue. *Endorsed* as read this day. [No entry in L. J. or MS. Min.]

(*g.*) 9 Jan. Petition of Appellants. The estate in question being in Cornwall, it will be impossible for Appellants to try the issue next term. Pray that the order for a new trial may be amended. L. J., XV. 177. [One Counsel of a side were heard the next day on this Petition. *Mr. Ward* (for Davy): Our witness is at Exeter. *Mr. Serjeant Tremaine* is heard for standing to the next term. Speaker reported. *Ordered* that the Order of the 5th inst. be so altered, that the Cause shall be tried before the end of Easter Term next. (MS. Min.; L. J., XV. 178.) No further proceedings.]

603. Nov. 21. Absent Lords (Call of the House).—Letter of date from Sir R. Atkyns, Speaker of the House, to L. Griffin, at Dingley, Staffordshire, informing his Lordship that he was found to be absent at the Call of the House this day, and requiring him to attend on 5 Dec., or send two persons to attest on oath his disability from sickness. L. J.,

XV. 119. *In extenso.* [On 14 Nov. the House being moved that a day be appointed for calling the House, a Call was ordered for this day. (L. J., XV. 110.) The List of Peers found Absent at the Call, as given in MS. Min., differs from that in L. J., XV. 118, in adding, "L. Clifford, Infra Ætatem." It states also that the Bishops of Chester and Exeter, both of whom were excused, were "coming." Another List in MS. Min., giving the names of Peers to whom letters were to be sent to require their attendance, includes L. Ferrers and L. Gray de Werke, neither of whom appears in L. J., XV. 118.]

Annexed:—

(*a.*) (L. Griffin.) Letter from Eliz. Meres, Postmistress of Harborough, to Sir Robert Cotton or Thomas Frankland, Esq., Postmasters General, London, returning preceding letter, as L. Griffin is gone to London and has been there since the beginning of the term. His seat is at Dingley, in Northamptonshire, but there is nobody there, except two or three of his meanest servants, for his Lordship and family live in Pall Mall, next door to the Duke of St. Albans. *Dated* Harborough, 26 Nov. [Appended to preceding.]

(*b.*) (E. Sandwich.) Letter from Cath. Torkington, of Huntingdon, to same, stating that she had caused the letter from the House of Lords to be delivered to E. Sandwich. *Endorsed* 25 Nov.

(*c.*) (E. Berks.) Letter from John Freeman, Postmaster of Highworth, to same, stating that he had forwarded the letter to E. Berks to Mr. Andrewes, Postmaster at Malmesbury, who had delivered it to his Lordship as desired. *Dated* Highworth, 26 Nov.

d.) (E. Bristol). Letter from John Boys, Postmaster of Sherborne, to same, stating that he had delivered the letter, pursuant to their Honours' command, to E. Bristol. *Dated* 26 Nov.

(*e.*) (L. Weymouth.) Letter from Thos. Yerbury, Postmaster of Warminster, to same, stating that he had sent the letter to L. Weymouth. *Dated* 26 Nov.

(*f.*) (D. Beaufort.) Letter from Ann Stephens to same, stating that she had caused the letter to be delivered to Mr. Crow, the D. Beaufort's gentleman. *Dated* Chippenham, 26 Nov.

(*g.*) (L. Ward.) Letter from Mrs. H. Price, of Stourbridge, Worcestershire, to same, stating that L. Ward left last Tuesday with his family for London. *Dated* 26 Nov.

(*h.*) (L. Clarendon.) Letter from A. Paine, Postmistress of Reading, to same, stating that she had caused the letter to be delivered to L. Clarendon. *Dated* 27 Nov.

(*i.*) (L. Lempster.) Letter from Thos. Whittear, Postmaster of Towcester, to same, stating that L. Lempster left for London on Wednesday last, intending to be on Friday at his house in Duke Street, Westminster, whither the letter had been sent. *Dated* 27 Nov.

(*k.*) (L. Gray de Werke.) Letter from John Pincke, Postmaster of Midhurst, to same, stating that he had caused the letter to be delivered to L. Gray de Werke, who refused to pay the messenger, saying it was the King's business. *Dated* 27 Nov.

(*l.*) (E. Exeter.) Letter from Eliz. Dawkins, Postmistress of Stamford, to same, stating that she had sent the letter to E. Exeter. *Dated* 27 Nov.

(*m.*) (L. Saye and Sele.) Letter from Thos. Welford, Postmaster of Banbury, to same, stating that he had sent the letter to

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L. Saye and Sele, who was in Worcestershire, about 20 miles off, and that the messenger had not yet returned. Will give a farther account by next post. *Dated* 27 Nov.

(*n*.) (E. Rutland.) Letter from John Wyldbore, Postmaster of Grantham, to same, stating that he had caused the letter to be delivered to E. Rutland, who was ill, through his secretary. Encloses a letter from his Lordship. *Dated* 27 Nov. [*See* next Paper.]

(*n*[1].) Letter from E. Rutland [to Sir R. Atkyns, Speaker]. Has received his Lordship's letter of 21 Nov., requiring his attendance on 5 Dec., which he would pay with cheerfulness, would health permit. But the colic and rheumatic pains have rendered him so incapable of motion, that he is confined to his chamber and forced to send two servants to attest his present disability to attend. *Dated* Belvoir, 2 Dec. 1692.

(*o*.) (E. Lichfield.) Letter from Jane Gibbs, Postmistress of Woodstock, to same, returning the letter, as she finds on enquiry that E. Lichfield is not in the country. His house is in James' Street, Westminster. *Endorsed* 28 Nov. [*See* next Paper.]

(*o*[1].) Letter from Sir R. Atkyns, Speaker of the House of Lords, to E. Lichfield, returned with preceding. *Dated* 21 Nov.

(*p*.) Letter from L. Ferrers to Sir R. Atkyns, Speaker of the House of Lords, as follows: "My Lord, I reseved y^e^ six and twentith of this monnth your Lord^sps^ of y^e^ one and twentith, by which you acquant me that unles I attend y^e^ house y^e^ fifth of Desember I shall incur y^e^ farther displeasure of y^e^ House (if sicknes do not prevent me) which I thanke God I can not aledg, but I can this in excuse of my past absence, that haveing a Proxe alowed of & in such good hands as my vote wold not be beter given by my presance, did not thinke my selfe as alltogether absent, which made me one y^e^ account of sum exterordinary famaly bisnes defer my attendance & y^e^ same still remaning I hope there Lord^sps^ will grant me sum longer time, which request I desier your Lord^sp^ will make for me in y^e^ most prevaling termes you can, & in it you will oblige, My Lord, your humble Sarvant R. Ferrers. Staunton, No. 26, '92." *Holograph.* Addressed to Sir R. Atkyns "att Kingsinton." [An entry in MS. Min. of 2 Dec. states: "A Letter from L. Ferrers read, in excuse of his absence."]

604. Nov. 22. Hore *v.* Moulten.—Petition and Appeal of John Hore. Petitioner, as son and heir and executor of Matthew Hore, brought his bill in Chancery against John Moulten and others, to redeem a mortgage of certain lands called Robin's Tenement, and for a reassignment of another tenement called Maraborough and an account of the profits received of each, both of which were claimed by Moulten, who insisted on a release of the equity of redemption. On 18 June 1689 the Lords Commissioners relieved Petitioner as to Maraborough tenement, and decreed an account of the profits towards satisfaction of the mortgage money due on Robin's tenement, and set aside the release as fraudulent, and decreed a redemption of Robin's tenement with an account of profits. The Master reported 478*l.* due to Respondent. Petitioner excepted to this account, but was overruled by the Lords Commissioners on 17 Dec. 1691, who ordered him to pay the sum reported due, and by a subsequent Order dismissed his Bill with costs, for which Petitioner has since been attached. Prays that the orders may be set aside, Respondent ordered to answer, and proceedings stayed.

Signed by Appellant; *Countersigned* by Ja. Stedman and Caven. Weedon, whose signatures are copied. L. J., XV. 121. [The Cause was heard, and the Decree affirmed on 4 Jan. 1692–3. *The Attorney General* and *Solicitor General* were heard for the Appellant, and *Serjeant Tremaine* and *Sir Thomas Powys* for the Respondent. (L. J., XV. 173; MS. Min.)]

Annexed:—

(*a.*) 6 Dec. Answer of John Moulten. The release was got quite fairly and not by any fraud. Appellant's exceptions to the Master's report were frivolous. If the release be set aside, Appellant still owes 496*l.* to Respondent. The estates are of no greater yearly value than the Master reported them. The Appeal is brought merely for delay. Prays that it may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Nic. Hooper, whose signature is copied. *Endorsed* as brought in this day.

605. Nov. 22. Macclesfield's Estate Act.—Amended draft of an Act to enable Ralph Macclesfield to sell lands for payment of debts and making provision for his wife and children. The Lords' amendments (Com. Book, 3 Dec.) are purely clerical, as was the amendment made by the Commons. [Read 1ª this day (MS. Min. No entry of first reading in L. J.) Royal Assent 26 Jan. 1692–3; (L. J., XV. 203). 4 W. & M. c. 16. in Long Calendar.]

Annexed:—

(*a.*) 3 Dec. Consent of Ralph Macclesfield (*signs* Raph Macclesfeild) and Dorothy, his wife, and Walter Jenings, Jno. Huntbach, and Jo. Danyell, trustees, to the passing of the Bill. The first four signatures are attested by Roger Foden, Gent., of Meare, Staffordshire, on 7 Nov. 1692, before Wm. Nabbs, Master in Chancery, Extraordinary, and the last by John Ames, of Leacroft, Staffordshire, on 26 Nov., before Robt. Legard, Master in Chancery. The Consents are subscribed to a copy of the Act. [Read in Committee this day. Com. Book.]

606. Nov. 23. Hurt *v.* Attorney General of the Duchy of Lancaster, at the relation of Eyre.—Petition and Appeal of Nicholas Hurt, Esq., and Elizabeth, his wife, sister and heir of John Low, Esq., who was son and heir of John Low, who was son and heir of Edward Low. Henry VIII. granted to his then servant Anthony Low, at a fee-farm rent of 26*l.* 10*s.*, the manner of Alderwasley, with a waste called the Milkey, and a piece of land called the Mill land. The same were held under the grant till 1635, when an Information was exhibited by the Attorney General against Edward Low and several of the tenants, claiming the Milkey as part of the royal forest of Duffield. The Court in 1638, instead of dismissing the Information, directed a new Commission, contrary to all practice, to examine witnesses on prosecutor's behalf; and the cause being heard again in 14 Car. I., Low was put to prove livery upon the grant, and on his failing to do so, in consequence of the evidence being detained by one Mr. Ferne, to whom he had been in ward, the grant was declared void, and Low was directed to attend the Chancellor for a composition. Low's solicitor, in his absence and without his privity, consented, out of fear for the whole estate, that the King should have a moiety of the Milkey (all but 200 acres), containing 1,044 acres, leaving to Low, who was to make the fences, the other moiety all but 350 acres for the commoners. This partition was confirmed by a decree of 24 May, 15 Car. I. The said King afterwards

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granted the 1,044 acres by Letters Patent to Richard Nevill and heirs at the yearly rent of 35*l.* 19*s.*, with a covenant to indemnify them from all common and claim of any others. Against this Decree and Grant Low appealed to the House, but the Civil Wars prevented the effectual prosecution of his Appeal, and meanwhile the fences were thrown down and the Milkey was enjoyed as formerly in common during the life of Nevill, who made no benefit by it, and remained in exile with Charles II. till 1654, when he died, leaving a son George, a stranger to the grant, who also died in 1660, leaving an infant son George. Edward Low and his five sons were all in the service of Charles I. during the Civil War, and were plundered and imprisoned for their loyalty. On his death in 1650, his son and heir John brought an action of trespass against John Gell, Esq., and others, for digging soil and cutting trees on the Milkey, and obtained a verdict before C. Justice Hales, when the grant of Henry VIII. and the livery were allowed. In 1677, one Thomas Eyre, a barrister-at-law, got the 1,044 acres seized into the King's hands for arrears of rent since 1660, and got a lease from Charles II. at 5*l.* a year, and exhibited an Information against George Nevill, then an infant, and John Low the son for possession of the Milkey. George Nevill, by his guardian, brought a Cross Bill in the Duchy Court against Eyre and the Attorney General to be discharged of the arrears; but the Chancellor of the Duchy, on hearing both causes on 19 May, 1681, decreed the 1,044 acres and the Milkey, except the 200 acres allotted to the commoners, to Eyre, so long as they should remain in the King's hands, by reason of an extent and seizure for a debt of 590*l.* due to the King by Nevill on a fee-farm rent for the Milkey. Sir Thomas Chiceley, late Chancellor of the Duchy, affirming to John Low the son that he had an interest in the Milkey, and Low believing him, the latter, for quieting his possession, took in the estate and title of George Nevill and after the estate and interest of Chiceley, and was continued in possession till his death in 1690, since which the Milkey has been held by Appellants, whom Eyre is prosecuting under the Decree of 1681. Pray that this Decree may be reversed and Respondents ordered to answer. *Signed* by Appellants; *Countersigned* by Tho. Trevor and Tho. Powys, whose signatures are copied. L. J., XV. 122. [On 14 Dec., after hearing *Sir William Whitelocke* and *Sir Thomas Powys* for Appellants, and *Mr. Ward* and *Mr. Dodd* for Respondents, the House dismissed the Appeal for want of a proper Appellant. (L. J., XV. 148; MS. Min.) Another Appeal was brought on 17 Dec., for which see Calendar under date.]

Annexed:—

(*a.*) 30 Nov. Answer of Edward Northey, Esq., their Majesties' Attorney of their Duchy of Lancaster. Respondent is a stranger to the Decree appealed from, the same having been made long before his time of office. Submits to their Lordships' judgment. *Signed* by Respondent; *Countersigned* by Godf. Thacker. *Endorsed* as brought in this day.

(*b.*) 30 Nov. Answer of Thomas Eyre, Esq. Respondent, living near the forest of Duffield, and knowing the damage long done to the Crown by John Low and his confederates, gave an account thereof, as was his duty, to Charles II. and the officers of his revenue, and for his reward obtained a grant of part of the lands. The decree of partition was made with the consent of Appellants and the Commoners. Richard Nevill confederated to defraud the King of the reserved rent, and quitted possession without suit or eviction, and allowed the fences to be demolished. The lands in question have been adjudged to be the undoubted

right of the Crown, not only against Appellants but also against George Nevill by a decree in the Duchy Court of 1 June last. Prays to be dismissed with costs. *Signed* by Respondent; *Countersigned* by Godfr. Thacker and Na. Reading. *Endorsed* as brought in this day.

607. Nov. 24. Hawley's Estate Act.—Amended Draft of an Act for vesting the estate, real and personal, late of Henry Hawley, in Trustees, to be sold or otherwise disposed for the benefit of his daughters and heirs, Susanna and Mary, who are both minors. The only amendment by the Lords (Com. Book, 2 Dec.)* is to add William Turton as a trustee. No amendments in the Commons. [Read 1ª this day; Royal Assent 20 Jan. 1692-3 (L. J., XV. 124, 192). 4 W. & M. c. 4. in Long Calendar.]

608. Nov. 25. Indemnity Act.—Amended Draft of an Act for preventing suits against such as acted for their Majesties' Service in defence of the Kingdom. Identical, before being amended, with the Act 4 W. & M. c. 19. (Fol. Ed.) The Amendments consist of the clauses appended to this Draft for engrossment, and given as Annexes below. [On 17 Nov., the House being moved that a Committee be named to prepare a Bill of Indemnity, it was ordered that the House be put into Committee on the 22nd to consider of Heads for a Bill. (MS. Min.; L. J., XV. 114.).—On 23 Nov., on motion for a day to go into Committee, the House appointed the next day for that purpose. (MS. Min.; L. J., XV. 123).—On 24 Nov., in Committee of the Whole House, E. Stamford in the Chair, the Act of Indemnity, 2 Will. & Mary, was read. *Moved* that the title of the Act be An Act to prevent Suits against such as acted in their Majesties' Service in defence of the Kingdom. The title postponed. "Whereas there was certain intelligence of an Invasion intended from France." *Agreed*, that the Lords of the Council, and those that acted by their authority, shall be indemnified. House resumed. *E. Stamford* reported progress, &c., as in L. J., XV. 124 (MS. Min.). On 25 Nov., in Committee of the Whole House, E. Stamford in the Chair, the Clauses agreed yesterday were read. The Committee went through the Bill. House resumed. *E. Stamford* reported the form of the Bill drawn by the Committee, to which the House agreed. Bill read 1ª (MS. Min.; L. J., XV. 125).

On 30 Nov., after a second reading, the House went into Committee on the Bill, E. Stamford in the Chair.

The Bill was read through.

Title read and postponed.

Preamble read; the Enacting Clause read. *Moved*, That if any man be sent for by the Council, and he offers to take the Oaths and give sufficient bail, it shall not be in their power to commit him. The person to declare on oath, that if the late King James shall endeavour to recover his pretended right, he will oppose him to the utmost of his power. *Question*, Whether the same oath and sufficient bail, or a negative oath and sufficient bail? *Agreed* to have bail. *Judge* asked, what bail is sufficient? A. It must of necessity be referred to the discretion of the Judges that are to take it. *Judge* asked, if it might be thought excessive bail, if the Council put more than 1,000*l.*, and 500*l.* each surety? A. There must be a regard had to the necessity and the person. *Agreed*, that sufficient bail shall be in the Act. *Question*, Whether the old Oath shall be part of the Clause, or any other Oath that shall hereafter be

* The Committee was revived on 29 Nov. for 2 Dec. (MS. Min.).

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established by Parliament? *Question*, Whether these words ("or any other oath that shall hereafter be established by Parliament") shall be part of the Question? Resolved in the *Affirmative*. Then the *Question* was put: Whether this oath, I, A. B. [&c. as in Annex (*a*) below], with this addition ("or any other oath that shall be established in this or any other Session of Parliament")? *Agreed*.

House resumed. *E. Stamford* reported that the Committee have agreed that a Clause be drawn to prevent the Council imprisoning persons in time of imminent danger in future, by tendering the Oath already made, or any other Oath established by Parliament. The House then appointed a Sub-Committee, with the Judges to assist, to draw a Clause for that purpose. (MS. Min.; L. J., XV. 130.) The Sub-Committee met forthwith, and after agreeing on a Clause (Com. Book), reported it at the same sitting, and the House agreed to it with some additions.* (MS. Min.; L. J., XV. 130.)

On 1 Dec. an expunged entry in MS. Min. states, "A debate arose concerning the proceedings upon the Bill of Indemnity yesterday."

On 2 Dec., in Committee of the Whole House, E. Stamford in the Chair, the enacting Clause was read. *Proposed*, That provision be made in the Bill that, after any person shall be secured, he may be discharged. *The Judges* withdraw to draw a Clause.*

House resumed.

House adjourned during pleasure into C. W. H. The Clause drawn by the Judges was read, and after debate, on question, agreed to. House *Moved*, That this Act be made temporary only during the War with France. *Agreed:* the Judges to draw a Clause to this purpose.* *Proposed*, That the whole Council shall do this, and not a Committee of Council. House resumed. Progress reported. (L. J., XV. 132; MS. Min.)

On 5 Dec., in Committee of the Whole House, E. Stamford in the Chair, the Clause drawn by the Judges was read and *agreed to. Judges* asked (*sic*). That the Committee is of opinion that the powers given by this Act shall not be executed but by the whole Privy Council. A Clause drawn and read, as follows ("Provided always that no such commitment shall be but by the Privy Council, to which every Privy Councillor may come"). *Question* put: Whether this Clause shall be part of the Bill? Resolved in the *Negative*. House resumed, and progress reported as in L. J., XV. 134 (MS. Min.).

On 5 Jan., in Committee of the Whole House, L. Cornwallis in the Chair, the Preamble, enacting Clause and Title were read and agreed to. House resumed. Bill reported with the amendments and provisos. The Clauses agreed to in C. W. H. were read, and the Bill ordered to be engrossed with the said Clauses. (L. J., XV. 174; MS. Min.)

In the Commons, where the second reading of the Bill was carried on 27 Feb. by 124 votes to 76 (C. J., X. 835), the Clauses added in C. W. H. by the Lords were struck out and the Bill restored to its original form (*ib.* 847). The Lords agreed to this amendment on 10 March (L. J., XV. 283), and the Bill received the Royal Assent on 14 March (*ib.* 288.)]

Annexed:—

(*a.*) 5 Jan. 1692–3. Copy of Clauses added to the Bill, as follows:—

And be it further enacted by the authority aforesaid, That if in a time of imminent danger for the security of the

* *See* Annex (*a*).

peace of the Kingdom, their Majesties' Most Honourable Privy Council shall think it reasonable to send for any person or persons suspected to be dangerous to the Government, against whom there shall not be some positive oath made of some treasonable practices, that in case such person or persons, so sent for or taken into custody, against whom no such oath shall have been made as aforesaid, shall, upon tender to him or them, take the Oath following, viz., I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to their Majesties King William and Queen Mary. So help me God, being the Oath appointed in one Act intituled An Act for abrogating of the Oaths of Supremacy and Allegiance and appointing other oaths, or any oath that shall be enacted in this or any other Parliament, and also enter into a Recognizance with sufficient sureties (which the said Privy Council are hereby empowered to take), having regard to the quality of the person so suspected and the circumstances under which he stands, that the said Privy Council or any of them shall have no power to commit any such person or persons so suspected, but every such commitment shall be void and of none effect; but in case such person or persons shall refuse to take such oath or oaths, or to give such security as aforesaid, that then it shall or may be lawful to and for the said Privy Council or any six of them, to commit such person or persons to prison and continue him or them in custody, until he or they be discharged by due course of law. And if any such person or persons happen to be committed in time of imminent danger of insurrection or invasion, by reason of their refusing to take the said oath or oaths and to find bail as aforesaid, that such person or persons shall not be continued or detained in custody for any longer time than such imminent danger shall continue.

Provided always that no person or persons so committed shall be detained in custody for any longer time than they might have been by an Act made in the 31st year of the reign of King Charles II., intituled An Act for the securing the liberty of the subject and for prevention of imprisonment beyond the seas.

Provided always that this Act or anything therein contained (except what relates to the indemnifying the parties concerned in the proceedings in the extraordinary occasion * abovementioned), shall not continue longer than till the determination of the present War against France. [Reported this day. (L. J., XV. 174). See Notes above.]

609. Nov. 26. Walthall's Estate Act.—Amended Draft of an Act to enable Richard Walthall, Esquire, to sell lands for the payment of Portions and Debts. The Lords' amendments (Com. Book, 20 Dec.) are two drafting ones and the addition of a Proviso (Annex (*a.*) below). No amendments in the Commons. [Read 1ª this day; Royal Assent 14 March 1692–3 (L.J., XV. 126, 289.) 4 & 5 W. & M. c. 28. in Long Calendar. In Committee on 5 Dec. *Mr. Minshall* stated that Mr. Walthall barred himself by the Bill of the commitment of waste in cutting timber, which he might do to the value of 1,500*l.* *Ordered*, that the Prosecutors of the Bill endeavour to make appear that the heir will not be prejudiced by the Bill. (Com. Book, 5 Dec.) On 20 Dec. the parties being called in, *Mr. Minshall* says they shall give a full equivalent for the money to be raised. We

* Substituted for "juncture."

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can cut down wood worth 1,500*l.* The 900*l.* for the younger brothers the estate is charged with. We have power of leasing, which is worth 1,200*l.* We can make a jointure of 100*l.* a year, all which we are willing to debar ourselves of. *Mr. Humphry Milton* (sworn) says he has viewed the wood on Mr. Walthall's estate, and really believes it worth 1,500*l.*, and that it will be worth 500*l.* more to the heir than to any other person. The estate is worth about 630*l.* a year. If he were Mr. Walthall's heir, he would give him 1,500*l.* for his power of leasing the estate. He believes if Mr. Walthall live 10 or 12 years, he may make 1,200*l.* of the leases. (Com. Book, 20 Dec.)]

Annexed:—

(*a.*) 31 Dec. Draft Proviso A. disabling Richard Walthall from making any jointure, &c., or lease of any of the lands in the deed of settlement. [Added in Committee 20 Dec. (Com. Book), and reported this day. (L. J., XV. 167.)]

ACCOUNTS COMMISSIONERS.

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610. Nov. 28.—ACCOUNTS COMMISSIONERS.—Book entitled, The by Loans and Repayment in satisfaction thereof, Incomes and at the Post Office. A General Abstract of all the said Accompts,

Fol. 1.

The GENERAL ACCOUNT of MONEY borrowed on LOANS from 28 Sept. 1691 to 28 Sept. 1692.

	£	s.	d.	£	s.	d.
Borrowed on—						
The first 12 *months Aid* :—						
From 28 Sept. to 1 Jan. 1691 - -	6,913	12	3½			
From thence to 1 April 1692 - -	475	3	11			
				7,388	16	2½
Second 12 *months Aid* :—						
From 1 Jan. 1691 to 1 April 1692 -	807,883	7	2			
From thence to 1 July 1692 - -	575,214	0	10			
To 28 Sept. 1692 - - - -	166,729	0	0			
				1,549,826	8	0
Hereditary and ½ *Temporary Excise* :—						
From 28 Sept. to 1 Jan. 1691 - -	20,000	0	0			
From thence to 1 April 1692 - -	40,000	0	0			
To 1 July 1692 - - - -	20,500	0	0			
				80,500	0	0
Additional Excise :—						
From 1 Jan. to 1 April 1692 - -	—			4,0 0	0	0
Hereditary and Temporary Excise :—						
From 1 July to 28 Sept. 1692 - -	—			69,000	0	0
½ *Customs* :—						
From 1 July to 28 Sept. 1692 - -	—			50,000	0	0
¾ *Customs* :—						
From 1 Jan. 1691 to 1 April 1692 -	157,684	9	2			
From thence to 1 July 1692 - -	110,531	1	3½			
To 28 Sept. 1692 - - - -	167,211	11	7½			
				435,427	2	1
East India Goods :—						
From 1 Jan. 1691 to 1 April 1692 -	14,502	18	1			
From thence to 1 July 1692 - -	104,946	12	1			
To 28 Sept. 1692 - - - -	72,029	19	9			
				191,479	9	11
Quarterly Poll :—						
From 1 July to 28 Sept. 1692 - -	—			165,288	14	0
General Loans :—						
From 28 Sept. 1691 to 1 Jan. 1691 -	37,500	0	0			
From thence to 1 July 1692 - -	343,201	[illegible]	5			
To 28 Sept. 1692 - - - -	144,805	1	11	525,506	8	4
				3,078,416	18	6½

Accompts for the Year ending the 29th of September 1692, of Receipts Issues at the Exchequer, at the Custom House, at the Excise Office, as follows:—

Fol. 2.

The GENERAL ACCOUNT of REPAYMENT of LOANS with INTEREST, from 28 Sept. 1691 to 28 Sept. 1692.

Paid in satisfaction of Loans on the several Funds under-named, viz.:—	Principal. £ s. d.	Total. £ s. d.	Interest. £ s. d.
First 12 *months Aid*:—			
From 28 Sept. 1691 to 1 Jan. 1691.	382,458 0 0	—	17,624 9 3
From thence to 1 April 1692.	380,155 0 6	—	14,302 19 0
To 1 July 1692 -	68,008 11 3½	—	2,689 15 11
To 28 Sept. 1692 -	1,180 0 0	—	31 17 6
		831,801 11 9½	
Second 12 *months Aid*:—			
From 1 Jan. 1691 to 1 April 1692.	1,530 0 0	—	22 17 7
From thence to 1 July 1692.	350,579 13 9	—	8,921 13 6
To 28 Sept. 1692 -	344,168 11 0	—	11,644 3 8
		696,278 4 9	
Hereditary and ¼ Temporary Excise:—			
From 28 Sept. 1691 to 1 Jan. 1691.	20,000 0 0	—	
From 1 April to 1 July 1692.	60,500 0 0	—	
		80,500 0 0	
¾ *Temporary Excise*:—			
From 28 Sept. 1691 to 1 Jan. 1691.	46,780 13 4	—	2,747 15 7
From thence to 1 April 1692.	45,225 0 0	—	2,238 13 3
To 1 July 1692 -	13,542 8 10	—	830 1 9
		105,548 2 2	
Additional Excise:—			
From 28 Sept. 1691 to 1 Jan. 1691.	14,500 0 0	—	13,768 15 10
From thence to 1 April 1692.	45,000 0 0	—	10,821 16 2
To 1 July 1692 -	59,000 0 0	—	20,319 11 3
To 28 Sept. 1692 -	49,000 0 0	—	12,054 1 8
		167,500 0 0	
Hereditary and Temporary Excise:—			
From 1 July to 28 Sept. 1692.	—	69,000 0 0	
¼ *Customs*:—			
From 1 July to 28 Sept. 1692.	—	20,000 0 0	1,176 13 6
¾ *Customs*:—			
From 28 Sept. to 1 Jan. 1691.	99,266 13 4	—	5,649 15 7
Transported -	—	1,970,627 18 8¾	124,845 1 0

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 1—*cont.*

The GENERAL ACCOUNT of MONEY borrowed on LOANS from 28 Sept. 1691 to 28 Sept. 1692—*continued.*

	£	s.	d.	£	s.	d.
Transported	—			3,078,416	18	6½

for the Year ending the 29th of September 1692—*continued.*

Fol. 2—*cont.*

The GENERAL ACCOUNT of REPAYMENT of LOANS with INTEREST, from 28 Sept. 1691 to 28 Sept. 1692—*continued.*

	Principal.	Total.	Interest.
	£ s. d.	£ s. d.	£ s. d.
Transported -	—	1,970,627 18 8½	124,845 1 0
¾ *Customs*—cont.			
From thence to 1 April 1692.	66,926 6 0	—	3,591 9 8
To 1 July 1692 -	84,556 4 11	—	3,528 13 10
To 28 Sept. 1692 -	122,376 18 2	—	3,351 18 5
		373,126 2 5	
East India Goods :—			
From 28 Sept. to 1 Jan. 1691.	33,712 18 8	—	2,018 1 3
From thence to 1 April 1692.	15,179 17 11	—	4,068 4 6
To 1 July 1692 -	48,100 9 10	—	3,040 6 2
To 28 Sept. 1692 -	33,025 0 0	—	3,832 19 4
		130,018 6 5	
Continued Impositions :			
From 28 Sept. to 1 Jan. 1691.	36,905 0 0	—	14,905 14 10
From thence to 1 April 1692.	53,861 8 0	—	12,068 7 11
To 1 July 1692 -	66,205 19 6	—	14,990 0 2
To 28 Sept. 1692 -	66,627 19 9½	—	6,180 5 2
		223,600 7 3½	
Quarterly Poll :—			
From 1 July to 28 Sept. 1692.	—	94,500 0 0	
General Loan :—			
From 1 Jan. 1691 to 1 April 1692.	37,500 0 0	—	259 8 4
From thence to 1 July 1692.	45,000 0 0	—	
		82,500 0 0	
		2,874,372 14 10	196,680 10 7
To borrowed this year more than repaid.	—	204,044 3 8½	
To balance -	—	3,078,416 18 6½	

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 3.

An ACCOUNT of so much of the NEAT PRODUCE of the REVENUE and TAXES, as was brought into the Exchequer from 28 Sept. 1691 to 28 Sept. 1692, and also the OVERPLUS of LOANS, within the said time, more than has been repaid.

	£	s.	d.	£	s.	d.	£	s.	d.
Remaining in cash 28 Sept. 1691.	—			—			63,182	5	4¼
Received more on the following funds, viz.:—									
On ¼ Customs:—									
From 28 Sept. 1691 to 1 Jan. 1691.	46,517	8	6						
From thence to 1 April 1692	11,217	12	1½						
To 1 July 1692 - -	1,849	12	3						
To 28 Sept. 1692 - -	6,126	14	3						
				65,711	7	1½			
¾ Customs:—									
From 28 Sept. 1691 to 1 Jan. 1691.	114,774	13	5						
From thence to 1 April 1692	60,474	15	8½						
To 1 July 1692 - -	88,142	16	2½						
To 28 Sept. 1692 - -	128,315	3	3						
				391,707	8	7			
Coinage:—									
From 28 Sept. to 1 Jan. 1691.	4,500	0	0						
From thence to 1 April 1692	300	0	0						
To 1 July 1692 - -	4,140	3	4½						
To 28 Sept. 1692 - -	2,300	0	0						
				11,240	3	4½			
4½ per Cent.:—									
From 1 Jan. 1691 to 1 April 1692.	2,000	0	0						
From thence to 28 Sept. 1692.	420	0	0						
				2,420	0	0			
							471,078	19	1
ON NEW IMPOSITIONS, viz.:—									
East India Goods:—									
From 28 Sept. to 1 Jan. 1691.	37,159	0	5						
From thence to 1 April 1692	16,828	10	11						
To 1 July 1692 - -	50,265	1	3						
To 28 Sept. 1692 - -	38,464	1	10						
				142,716	14	5			
Wine and Vinegar:—									
From 28 Sept. 1691 to 1 Jan. 1691.	10,831	9	7						
From thence to 1 April 1692	26,970	14	8						
To 1 July 1692 - -	56,405	8	8						
To 28 Sept. 1692 - -	36,539	8	0						
				130,747	0	11			
Tobacco and Sugar:—									
From 28 Sept. 1691 to 1 Jan. 1691.	46,769	19	1						
From thence to 1 April 1692	40,097	5	1½						
To 1 July 1692 - -	20,129	16	4						
To 28 Sept. 1692 - -	37,446	11	10½						
				144,443	12	5			
							417,907	7	9
Transported -	—			—			952,168	12	2¼

for the Year ending the 29th of September 1692—*continued.*

Fol. 4.

An ACCOUNT of what has been issued out of the EXCHEQUER between 28 Sept. 1691 and 28 Sept. 1692, except the issues in satisfaction of LOANS, which appear by a distinct account thereof.

	£ s. d.	£ s. d.	£ s. d.
Paid to the several persons following, viz.:—			
The Right Hon. Edward Russell, Esq., for the Navy:—			
From 28 Sept. 1691 to 1 Jan. 1691.	21,035 14 0		
From thence to 1 April 1692	419,067 15 8½		
To 1 July 1692 - -	507,347 10 0		
To 28 Sept. 1692 - -	284,973 0 10½		
		1,232,424 0 7	
The Hon. Chas. Bertie, Esq., Treasurer to the Ordnance:—			
From 28 Sept. 1691 to 1 Jan. 1691.	6,000 0 0		
From thence to 1 April 1692	40,371 0 9½		
To 1 July 1692 - -	166,405 13 5		
To 28 Sept. 1692 - -	40,135 11 1½		
		252,912 5 4	
The Right Hon. Earl of Ranelagh, for the Army:—			
From 28 Sept. 1691 to 1 Jan. 1691 - 154,079 19 5½			
To 1 April 1692 - 211,466 14 4			
To 1 July 1692 - 354,221 8 1½			
To 28 Sept. 1692 - 365,215 2 0			
	1,084,983 3 11		
Mr. Fox and Lord Coningsby for the Irish Army:—			
From 28 Sept. 1691 to 1 Jan. 1691 - 72,584 18 4			
To 1 April 1692 - 332,364 4 8½			
To 1 July 1692 - 255,071 3 3			
To 28 Sept. 1692 - 150,939 5 8½			
	810,959 12 0		
		1,895,942 15 11	
			3,381,279 1 10
CIVIL LIST:—			
The Right Hon. Earl of Bellemont, Treasurer to Her Majesty:—			
From 28 Sept. 1691 to 1 Jan. 1691.	22,500 0 0		
To 1 April 1692 - -	13,000 0 0		
To 1 July 1692 - -	13,000 0 0		
To 28 Sept. 1692 - -	13,000 0 0		
		61,500 0 0	

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 3—*cont.*

AN ACCOUNT of so much of the NEAT PRODUCE of the REVENUE, &c.—*cont.*

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	—	952,168 12 2¼

Fol. 5.

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	—	952,168 12 2¼
EXCISE.			
Arrears of Last Year's Double Excise :—			
From 28 Sept. 1691 to 1 Jan. 1691.	150,204 10 10		
From thence to 1 April 1692.	47,866 12 7		
To 1 July 1692 - -	1,134 2 11½		
To 28 Sept. 1692 - -	310 10 11½		
		199,515 17 4	
Hereditary and ¼ Temporary Excise :—			
From 28 Sept. to 1 Jan. 1691 -	49,802 8 9½		
To 1 April 1692 -	39,558 12 9		
To 1 July 1692 -	99,334 17 0½		
	188,695 18 7		

for the Year ending the 29th of September 1692—*continued*.

Fol. 4—*cont*.

An ACCOUNT of what has been issued out of the EXCHEQUER, &c.—*cont*.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			61,500	0	0	3,381,279	1	10
PRIVY PURSE :—									
From 28 Sept. 1691 to 1 Jan. 1691.	13,000	0	0						
From thence to 1 April 1692.	12,000	0	0						
To 28 Sept. 1692 - -	2,500	0	0						
				27,500	0	0			
SECRET SERVICE :—									
To Hen. Guy, Esq., and the Earl of Nottingham :—									
From 28 Sept. to 1 Jan. 1691 - 6,260 13 0									
To 1 April 1692 - 6,330 1 $7\frac{1}{2}$									
To 1 July 1692 - 10,811 3 $9\frac{3}{4}$									
To 28 Sept. 1692 - 6,699 2 4									
	30,101	0	$9\frac{1}{2}$						
To the Lord Sydney for the like service.	500	0	0						
Sir Stephen Evance for the like.	12,000	0	0						
				42,601	0	$9\frac{1}{2}$			
Transported -	—			131,601	0	$9\frac{1}{2}$	3,381,279	1	10

Fol. 6.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			3,381,279	1	10
Civil List transported	—			131,601	0	$9\frac{1}{2}$			
The Cofferer :—									
From 28 Sept. 1691 to 1 Jan. 1691.	9,624	16	0						
From thence to 1 April 1692.	37,618	19	11						
To 1 July 1692 - -	18,501	12	0						
To 28 Sept. 1692 - -	37,854	12	0						
				103,599	19	11			
Treasurer of the Chamber :—									
From 28 Sept. 1891 to 1 Jan. 1691.	1,506	0	0						
From thence to 1 April 1692.	13,591	18	8						
To 1 July 1692 - -	1,098	12	$1\frac{3}{4}$						
To 28 Sept. 1692 - -	16,736	4	3						
				32,932	15	$0\frac{3}{4}$			
Transported -	—			268,133	15	9	3,381,279	1	10

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 5—*cont.*

An ACCOUNT of so much of the NEAT PRODUCE of the REVENUE, &c.—*cont.*

	£ s. d.	£ s. d.	£ s. d.
Transported -	188,695 18 7	199,515 17 4	952,168 12 2¼
⅝ *Temporary Excise* :—			
From 28 Sept. 1691 to 1 Jan. 1691 47,916 10 3			
From thence to 1 April 1692 - 44,849 1 7½			
To 1 July 1692 - 21,488 6 11			
	114,253 18 9½		
Hereditary and Temporary Excise :—			
From 1 July to 28 Sept. 1692.	120,160 5 8		
		423,110 3 0½	
⅜ *Additional Excise* :—			
From 28 Sept. to 1 Jan. 1691 - 28,076 12 6			
From thence to 1 April 1692 - 61,690 18 6½			
To 1 July 1692 - 73,787 9 9½			
To 28 Sept. 1692 - 71,192 0 10¼			
	234,747 1 8¼		
⅛ *Additional Excise* :—			
From 28 Sept. to 1 Jan. 1691 - 14,038 5 8½			
To 1 April 1692 - 30,845 8 11			
To 1 July 1692 - 36,293 14 8			
To 28 Sept. 1692 - 35,596 0 4¾			
	117,373 9 8¼		
		352,120 11 4½	
21*d.* *and* 30*d.* *per Barrel* :—			
From 1 Jan. 1691 to 1 April 1692.	55,107 9 11½		
From thence to 1 July 1692	75,630 14 10		
To 28 Sept 1692 - -	83,590 10 8		
		214,328 15 5½	
Low Wines :—			
From 28 Sept. 1691 to 1 Jan. 1691.	2,899 3 4		
From thence to 1 April 1692	3,199 2 8		
To 1 July 1692 - -	4,398 13 0		
To 28 Sept. 1692 - -	3,519 0 6		
		14,015 19 6	
			1,203,091 6 8½
Letter Money :—			
From 28 Sept. 1691 to 1 Jan. 1691.	—	11,493 5 5	
From thence to 1 April 1692	—	29,700 0 0	
To 4 July 1692 - -	—	5,255 13 10	
			46,448 19 3
Transported -	—	—	2,201,708 18 1¾

for the Year ending the 29th of September 1692 —*continued.*

Fol. 6—*cont.*

An ACCOUNT of what has been issued out of the EXCHEQUER, &c.—*cont.*

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			268,133	15	9	3,381,279	1	10
Master of the Great Wardrobe :—									
From 1 Jan. to 1 April 1692.	3,000	0	0						
From thence to 1 July 1692.	6,000	0	0						
To 28 Sept. 1692 - -	14,943	2	0						
				23,943	2	0			
Master of the Horse :—									
From 28 Sept. 1691 to 1 Jan. 1691.	14,817	8	6						
From thence to 1 April 1692.	5,793	9	0						
To 1 July 1692 - - -	5,206	11	0						
To 28 Sept. 1692 - -	10,276	16	6						
				36,094	5	0			
Master of the Robes :—									
From 28 Sept. 1691 to 1 Jan. 1691.	1,000	0	0						
From thence to 28 Sept. 1692.	2,500	0	0						
				3,500	0	0			
For the Mint; to Thomas Neale, Esq. :—									
From 28 Sept. 1691 to 1 Jan. 1691.	6,000	0	0						
To 1 April 1692 - -	2,000	0	0						
To 28 Sept. 1692 - -	4,146	12	9						
				12,146	12	9			
Rent paid :—									
From 28 Sept. 1691 to 1 Jan. 1691.	75	0	0						
From thence to 1 April 1692.	25	0	0						
To 1 July 1692 - -	150	0	0						
				250	0	0			
Band of Pensioners :—									
To William Smith - -	—			3,000	0	0			
Ambassadors, Envoys, &c. :—									
From 28 Sept. 1691 to 1 Jan. 1691.	3,241	10	0						
From thence to 1 April 1692.	15,353	7	8						
To 1 July 1692 - -	700	19	6						
To 28 Sept. 1692 - -	4,730	7	7						
				24,026	4	9			
Transported -	—			371,094	0	3	3,381,279	1	10

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 7.

An ACCOUNT of so much of the NEAT PRODUCE of the REVENUE, &c.—*cont.*

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			2,201,708	18	1¾
On Small Branches, viz.:—									
Seizures from 28 Sept. 1691 to 1 Jan. 1691.	2,421	16	0						
From thence to 1 April 1692.	621	4	0						
To 1 July 1692 - -	3,255	10	8½						
To 28 Sept. 1692 - -	2,084	17	4						
				8,383	8	0½			
Tenths.									
From 28 Sept. 1691 to 1 Jan. 1691.	3,629	18	9½						
From thence to 1 April 1692.	5,327	4	6½						
To 1 July 1692 - -	1,963	9	0						
To 28 Sept. 1692 - -	497	19	2						
				11,418	11	6			
First Fruits.									
From 28 Sept. 1691 to 1 Jan. 1691.	2,491	12	4½						
From thence to 1 April 1692.	1,000	0	0						
To 1 July 1692 - -	500	0	0						
To 28 Sept. 1692 - -	1,438	5	10						
				5,429	18	2½			
Alienations.									
From 28 Sept. 1691 to 1 Jan. 1691.	500	0	0						
From thence to 1 April 1692.	650	0	0						
To 28 Sept. 1692 - -	250	0	0						
				1,400	0	0			
Duchy of Cornwall - -	—			2,081	0	0			
Lotteries.									
From 28 Sept. to 1 Jan. 1691.	2,100	0	0						
From 1 April to 1 July 1692.	1,607	0	1						
To 28 Sept. 1692 - -	2,100	0	0						
				5,807	0	1			
Rent on Grants:—									
From 28 Sept. 1691 to 1 Jan. 1691.	12	10	0						
From thence to 1 April 1692.	1	10	0						
To 1 July 1692 - -	2	10	0						
				16	10	0			
Sheriffs of Cities:—									
From 28 Sept. 1691 to 1 Jan. 1691.	59	19	1½						
From thence to 1 April 1692	19	8	4						
To 1 July 1692 - -	24	3	11						
To 28 Sept. 1692 - -	3	0	8						
				106	12	0½			
Sheriffs of Counties:—									
From 28 Sept. 1691 to 1 Jan. 1691.	325	10	0						
From thence to 1 April 1692	80	8	8						
To 1 July 1692 - -	542	17	6						
To 28 Sept. 1692 - -	75	6	8						
				1,024	2	10			
Transported -	—			35,667	2	8½	2,201,708	11	1¾

for the Year ending the 29th of September 1692—*continued.*

Fol. 8.

An ACCOUNT of what has been issued out of the EXCHEQUER, &c.—*cont.*

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			3,381,279	1	10
Civil List transported	—			371,094	0	3			
For Law Suits—To Aaron Smith :—									
From 28 Sept. 1691 to 1 Jan. 1691.	1,000	0	0						
From thence to 1 April 1692.	800	0	0						
To 1 July 1692 - -	1,000	0	0						
To 28 Sept. 1692 - -	700	0	0						
				3,500	0	0			
Jewels and Plate :—									
From 1 Jan. 1691 to 1 April 1692.	7,502	18	1						
From thence to 1 July 1692.	1,742	8	11						
				9,245	7	0			
Gardens :—									
From 1 Jan. 1691 to 1 April 1692.	1,560	0	0						
From thence to 1 July 1692.	2,340	0	0						
To 28 Sept. 1692 - -	2,240	0	0						
				6,140	0	0			
Works :—									
From 28 Sept. to 1 Jan. 1691.	213	13	5						
From thence to 1 April 1692.	25,658	9	9½						
To 1 July 1692 - -	4,199	5	1						
To 28 Sept. 1692 - -	1,588	10	4						
				31,659	18	7½			
Prosecution of Clippers and Coiners.	—			727	2	9			
Rewards to Receivers :—									
From 28 Sept. 1691 to 1 Jan. 1691.	597	0	0						
From 1 April to 1 July 1692.	1,651	7	8						
To 28 Sept. 1692 - -	7,541	14	10½						
				9,790	2	6½			
Pensions :—									
From 28 Sept. to 1 Jan. 1691.	11,281	11	4½						
From thence to 1 April 1692.	20,049	19	5½						
To 1 July 1692 - -	11,142	16	3½						
To 28 Sept. 1692 - -	6,552	0	0						
				49,026	7	1½			
Free Gifts :—									
From 28 Sept. to 1 Jan. 1691.	5,473	2	2¾						
From thence to 1 April 1692.	7,814	2	5½						
To 1 July 1692 - -	15,153	9	3¾						
To 28 Sept. 1692 - -	4,618	0	0						
				33,058	14	0			
Transported -	—			514,241	12	3½	3,381,279	1	10

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 7—*cont.*

An ACCOUNT of so much of the NEAT PRODUCE of the REVENUE, &c.—*cont.*

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			35,667	2	8½	2,201,708	18	1¾
Lands seized:—									
From 28 Sept. 1691 to 1 Jan. 1691 - - -	0	13	4						
From 1 July to 28 Sept. 1692.	646	15	11½						
				647	9	3½			
Transported -	—			36,314	12	0	2,201,708	18	1¾

Fol. 9.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			2,201,708	18	1¾
Small Branches transported	—			36,314	12	0			
Rent on Land:—									
From 28 Sept. to 1 Jan. 1691.	2	10	0						
From 1 July to 28 Sept. 1692.	3	18	4½						
				6	8	4½			
Fines on Leases:—									
From 28 Sept. to 1 Jan. 1691.	0	10	4						
From thence to 1 April 1692	223	0	0						
To 1 July 1692 - - -	304	12	6						
To 28 Sept. 1692 -	52	14	0						
				580	16	10			
Sale of Farthings:—									
From 28 Sept. to 1 Jan. 1691.	4,600	0	0						
From thence to 1 April 1692	1,300	0	0						
To 1 July 1692 - -	1,300	0	0						
To 28 Sept. 1692 - -	1,200	0	0						
				8,400	0	0			
Wrecks:—									
From 28 Sept. to 1 Jan. 1691.	500	0	0						
From 1 April to 1 July 1692	450	0	0						
To 28 Sept. 1692 - -	450	0	0						
				1,400	0	0			
Receivers General:—									
From 28 Sept. to 1 Jan. 1691.	200	0	0						
From 1 April to 1 July 1692	221	14	7						
To 28 Sept. 1692 -	200	0	0						
				621	14	7			
Imprest Money repaid -	—			2,924	6	4			
King's Dividend of the African Company.	—			53	15	0			
Dividend of the East India Company.	—			7,000	0	0			
Mr. Sandcroft's Fine -	—			200	0	0			
Rep[ai]d by the Dean and Chapter of Winchester.	—			720	0	0			
Transported -	—			58,221	13	1½			

for the Year ending the 29th of September 1692—*continued*.

Fol. 8 —*cont.*

An ACCOUNT of what has been issued out of the EXCHEQUER, &c.—*cont.*

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			514,241	12	3½	3,381,279	1	10
Salaries:—									
From 28 Sept. to 1 Jan. 1691.	10,840	10	9						
From thence to 1 April 1692.	41,259	2	1						
To 1 July 1692 - -	12,877	8	10½						
To 28 Sept. 1692 - -	19,175	1	10¾						
				84,152	3	7¼			
Transported -	—			598,393	15	10¾	3,381,279	1	10

Fol. 10.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			3,381,279	1	10
Civil List transported	—			598,393	15	10¾			
King's Share of Condemned Tobacco Stalks:—									
From 1 April to 1 July 1692.	358	9	10½						
From thence to 28 Sept. 1692.	175	12	7½						
				534	2	6			
Redemption of Captives -	—			500	0	0			
Allowances to Farmers of Post-Fines.	—			6,427	1	4½			
Mrs. Mary Whitton, for Swords.	—			50		0			
Interest of money borrowed -	—			196,680	10	7			
							802,585	10	4¼
Transported -	—			—			4,183,864	12	2¼

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 9—*cont.*

An ACCOUNT of so much of the NEAT PRODUCE of the REVENUE, &c.—*cont.*

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			58,221	13	1½	2,201,708	18	1¾
Temporalities:—									
From 28 Sept. to 1 Jan. 1691.	712	10	0½						
From thence to 1 April 1692.	400	0	0						
To 1 July 1692 - -	260	17	6						
To 28 Sept. 1692 - -	400	0	0						
				1,773	7	6½			
12*d. per Chaldron on Sea Coals.*	—			1	6	8			
Barbados Revenue - -	—			500	0	0			
King's Bench Fines - -	—			20	0	0			
Rent of Bombay - - -	—			10	0	0			
Hanaper - - - -	—			37	4	7			
Sale of Wood - - -	—			420	0	0			
Lighthouses - - -	—			6	13	4			
Post Fines - - - -	—			6,427	1	4½			
Sale of Land - - -	—			791	0	0			
Baronets - - - -	—			1,095	0	0			
Chra. Howard, on Graham's Account.	—			600	0	0			
							69,903	6	7½
Transported -	—			—			2,271,612	4	9¼

Fol. 11.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			2,271,612	4	9¼
On Arrears of Hearth Money and Taxes.									
Hearth Money:—									
From 28 Sept. to 1 Jan. 1691.	55	10	0						
From thence to 1 April 1692	3,500	0	0						
				3,555	10	0			
Present Aid - - -	—			142	4	11			
First Poll:—									
From 28 Sept. to 1 Jan. 1691	187	13	5						
From thence to 1 April 1692	200	6	0						
To 1 July 1692 - -	206	19	1						
To 28 Sept. 1692 - -	475	2	0						
				1,070	0	6			
Review and Additional Poll:—									
From 28 Sept. to 1 Jan. 1691.	476	19	2						
From thence to 1 April 1692	250	0	0						
To 1 July 1692 - -	305	6	7						
To 28 Sept. 1692 - -	65	1	0						
				1,097	6	9			
First 12*d. Aid:*—									
From 28 Sept. to 1 Jan. 1691	266	13	0½						
From 1 April to 1 July 1692	249	8	11						
To 28 Sept. 1692 - -	83	1	0						
				599	2	11½			
Transported -	—			6,464	5	1½	2,271,612	4	9¼

for the Year ending the 29th of September 1692—*continued*.

Fol. 10—*cont.*

An ACCOUNT of what has been issued out of the EXCHEQUER, &c.—*cont.*

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			4,183,864	12	2¼

Fol. 12.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			4,183,864	12	2¼

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 11—*cont.*

AN ACCOUNT of so much of the NEAT PRODUCE of the REVENUE, &c.—*cont.*

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	6,464 5 1½	2,271,612 4 9¼
Second Poll :—			
From 28 Sept. to 1 Jan. 1691.	1,806 5 3		
From thence to 1 July 1692	1,831 4 2		
To 28 Sept. 1692 - -	12 0 0		
		3,649 9 5	
2/- Aid :—			
From 28 Sept. to 1 Jan. 1691.	8,890 17 9		
From thence to 1 April 1692.	3,444 14 8½		
To 1 July 1692 - -	1,856 18 7		
To 28 Sept. 1692 - -	60 10 10		
		14,253 1 10½	
Additional Aid :—			
From 28 Sept. to 1 Jan. 1691.	4,445 9 0		
From thence to 1 April 1692.	1,722 7 3		
To 1 July 1692 - -	928 9 1½		
To 28 Sept. 1692 - -	30 6 0		
		7,126 11 4½	
First 12 months Aid :—			
From 28 Sept. to 1 Jan. 1691.	425,363 5 10		
From thence to 1 April 1692.	363,675 3 4½		
To 1 July 1692 - -	66,041 19 4½		
To 28 Sept. 1692 - -	2,514 16 4		
		857,595 4 11	
Second 12 months Aid :—			
From 1 Jan. 1691 to 1 April 1692.	29,045 0 0		
From thence to 1 July 1692.	366,768 1 8		
To 28 Sept. 1692 - -	364,613 12 11½		
		760,426 14 7½	
Transported -	—	1,649,515 7 4	2,271,612 4 9¼

Fol. 13.

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	—	2,271,612 4 9¼
Hearth Money and Taxes	Transported -	1,649,515 7 4	
First Quarterly Poll :—			
From 1 April to 1 July 1692.	115,344 8 1½		
From thence to 28 Sept. 1692.	21,149 5 6		
		136,493 13 7½	
Second Quarterly Poll -	—	114,063 8 5	
			1,900,072 9 4½
Received by Loans more than repaid.	—	—	204,044 3 8½
			4,375,728 17 10¼

for the Year ending the 29th of September 1692—*continued.*

Fol. 12—*cont.*

An ACCOUNT of what has been issued out of the EXCHEQUER, &c.—*cont.*

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -		—			—		4,183,864	12	2¼

Fol. 14.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -		—			—		4,183,864	12	2¼
Remaining in Cash 28 Sept. 1692.		—			—		191,864	5	8
							4,375,728	17	10¼

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 15.

The ACCOUNTS of the CUSTOMS and COINAGE from 29 Sept. 1691 to 29 Sept. 1692. } Dr.

	£ s. d.	£ s. d.	£ s. d.
To the Remains in Cash, 29 Sept. 1691.	—	—	13,315 3 11¼
To Receipts since to 29 Sept. 1692, viz.:—			
At the Port of London:—			
From 29 Sept. to 2 Jan. 1691	137,189 6 1¾		
From thence to 2 April 1692 -	73,858 10 0		
To 2 July 1692 - - -	130,032 19 10		
To 29 Sept. 1692 - - -	173,933 1 1½		
		515,013 17 1¼	
At the Outports:—			
From 29 Sept. to 2 Jan. 1691	28,265 2 6¾		
From thence to 2 April 1692 -	16,748 10 10		
To 2 July 1692 - - -	10,891 2 10¾		
To 29 Sept. 1692 - - -	24,596 8 1¾		
		80,501 4 5¼	
On Bonds:—			
From 29 Sept. to 2 Jan. 1691	12,122 2 10		
From thence to 2 April 1692 -	7,577 12 0		
To 2 July 1692 - - -	7,082 13 11		
To 29 Sept. 1692 - - -	13,510 3 1½		
		40,292 11 10½	
Plantation Goods:—			
From 2 Jan. 1691 to 2 April 1692 - - - - -	—	36 4 2	
Coinage:—			
From 2 April to 2 July 1692	4,273 1 1		
From thence to 29 Sept. 1692	730 10 2½		
		5,003 11 3½	
			640,847 8 10½
Transported	—	—	654,162 12 9¾

for the Year ending the 29th of September 1692—*continued*.

Fol. 16.

The ACCOUNT of CUSTOMS and COINAGE from 29 Sept. 1691 to 29 Sept. 1692. } Cr.

	£	s.	d.	£	s.	d.	£	s.	d.
By Payments into the Exchequer, viz.:—									
Of Customs:—									
From 29 Sept. to 2 Jan. 1691	141,953	19	5						
From thence to 2 April 1692	67,682	5	7¼						
To 2 July 1692 - - -	93,100	2	0½						
To 28 Sept. 1692 - - -	146,643	14	8½						
				449,390	1	9¼			
Of Coinage:—									
From 29 Sept. to 2 Jan. 1691	4,140	3	4½						
From thence to 29 Sept. 1692	700	0	0						
				4,840	3	4½			
							454,230	5	1¾
By Debentures, Portages, and Allowances, viz.:—									
On Customs from 29 Sept. to 2 Jan. 1691.	24,625	18	6½						
From thence to 2 April 1692	25,601	5	6½						
To 2 July 1692 - - -	26,506	3	6½						
To 29 Sept. 1692 - - -	24,683	11	7						
Coinage Debentures to 2 July 1692.	74	2	9						
To 29 Sept. 1692 - - -	6	7	6½						
				101,497	9	6			
By Tidesmen, Watchmen, and Porters, viz.:—									
From 29 Sept. to 2 Jan. 1691 -	4,609	12	4						
From thence to 2 April 1692 -	4,373	7	11						
To 2 July 1692 -	4,927	4	10						
To 29 Sept. 1692	4,144	12	8						
	18,054	17	9						
By Salaries and Incidents, viz.:—									
From 29 Sept. to 2 Jan. 1691 -	8,214	2	5						
From thence to 2 April 1692 -	7,781	5	11						
To 2 July 1692	9,667	17	5						
To 29 Sept. 1692	6,485	18	2						
	32,149	3	11						
				50,204	1	8			
							151,701	11	2
By Payments to Secretaries of State:—									
From 29 Sept. to 2 Jan. 1691	925	0	0						
From thence to 2 April 1692	925	0	0						
To 2 July 1692 - - -	925	0	0						
				2,775	0	0			
By Pensions, viz.:—									
Amias and Juliana Hext:—									
From 29 Sept. to 2 Jan. 1691	50	0	0						
From thence to 2 April 1692	50	0	0						
To 2 July 1692 - - -	50	0	0						
				150	0	0			
Transported -	—			2,925	0	0	605,931	16	3¾

HOUSE OF LORDS MSS. — 1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 15—*cont.*

The ACCOUNTS of the CUSTOMS and COINAGE from 29 Sept. 1691 to 29 Sept. 1692—*cont.* } Dr.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -		—			—		654,162	12	$9\frac{3}{4}$

Fol. 17.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -		—			—		654,162	12	$9\frac{3}{4}$

for the Year ending the 29th of September 1692—*continued*.

Fol. 16—*cont.*

The ACCOUNT of CUSTOMS and COINAGE from 29 Sept. 1691 to 29 Sept. 1692—*cont.* } Cr.

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	—	605,931 16 3¾
Pensions transported -	—	2,925 0 0	
Samuel Clark :—			
From 29 Sept. to 2 Jan. 1691	75 0 0		
From thence to 2 April 1692	75 0 0		
To 2 July 1692 - - -	75 0 0		
		225 0 0	
George Tuthill :—			
From 29 Sept. to 2 Jan. 1691	25 0 0		
From 2 April to 2 July 1692	25 0 0		
		50 0 0	
Thomas Fairfax :—			
From 29 Sept. to 2 Jan. 1691	—	300 0 0	
Transported -	—	3,500 0 0	605,931 16 3¾

Fol. 18.

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	—	605,931 16 3¾
Pensions, &c. transported	—	3,500 0 0	
Thomas Baker, Consul at Algiers :—			
From 29 Sept. to 2 Jan. 1691	150 0 0		
From thence to 2 April 1692	226 2 6		
To 2 July 1692 - -	150 0 0		
To 29 Sept. 1692 - - -	150 0 0		
		676 2 6	
Nathaniel Lodington, Consul at Tripoli :—			
From 29 Sept. to 2 Jan. 1691	95 0 0		
From thence to 2 April 1692	95 0 0		
To 2 July 1692 - - -	95 0 0		
To 29 Sept. 1692 - -	95 0 0		
		380 0 0	
Bishop of Sarum :—			
From 29 Sept. to 2 Jan. 1691	285 2 6		
From 2 April to 2 July 1692	285 2 6		
		570 5 0	
The four Ushers of the Exchequer, to 2 Jan. 1691.	—	33 12 0	
Officers of the Pipe, in the said time.	—	80 12 4	
Commissioners of the Privy Seal :—			
From 29 Sept. to 2 Jan. 1691	24 13 4		
From thence to 2 April 1692	159 6 8		
To 2 July 1692 - - -	66 0 0		
		250 0 0	
By Repayment of Loan to the Executors of Mr. Thomas Fox, from 2 July to 29 Sept. 1692.	—	20,000 0 0	
Interest thereof to 2 Jan. 1691	295 17 8		
From thence to 2 April 1692	295 17 8		
To 2 July 1692 - - -	295 17 8		
To 29 Sept. 1692 - - -	300 0 0		
		1,187 13 0	
Transported -	—	26,678 4 10	605,931 16 3¾

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 17—*cont.*

The ACCOUNTS of the CUSTOMS and COINAGE from 29 Sept. 1691 to 29 Sept. 1692—*cont.* } Dr.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -		—			—		654,162	12	$9\frac{3}{4}$

Fol. 19.

The ACCOUNT of the NEW IMPOSITIONS from Michaelmas 1691 to Michaelmas 1692. } Dr.

	£	s.	d.	£	s.	d.	£	s.	d.
To *Receipts* from Michaelmas 1691 to Michaelmas 1692, viz.:—									
Of East India Goods:—									
From Michaelmas 1691 to 2 Jan. 1691.	44,156	5	0						
From thence to 2 April 1692	10,718	9	8						
To 2 July 1692 - - -	51,496	2	$4\frac{3}{4}$						
To 29 Sept. 1692 - - -	41,266	12	$11\frac{1}{2}$						
				147,637	10	$0\frac{1}{4}$			
Wine and Vinegar:—									
From Michaelmas 1691 to 2 Jan. 1691.	12,015	15	$8\frac{3}{4}$						
From thence to 2 April 1692 -	30,830	6	$2\frac{1}{4}$						
To 2 July 1692 - - -	59,392	3	$10\frac{3}{4}$						
To 29 Sept. 1692 - - -	35,829	8	$8\frac{1}{2}$						
				138,067	14	$6\frac{1}{4}$			
Transported -		—		285,705	4	$6\frac{1}{2}$			

for the Year ending the 29th of September 1692—*continued*.

Fol. 18—*cont.*

The ACCOUNT of CUSTOMS and COINAGE from 29 Sept. 1691 to 29 Sept. 1692—*cont.* } Cr.

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	—	605,931 16 3¾
Pensions, &c. transported	—	26,678 4 10	
Master of the Horse:—			
From 29 Sept. to 2 Jan. 1691	4,000 0 0		
From thence to 2 April 1692	2,200 0 0		
To 2 July 1692 - - -	2,800 0 0		
To 29 Sept. 1692 - - -	2,400 0 0		
		11,400 0 0	
Corporation of Berwick:—			
From 29 Sept. 1691 to 2 April 1692.	100 0 0		
From thence to 2 July 1692	100 0 0		
		200 0 0	
Corporation of Lyme:—			
From 29 Sept. 1691 to 2 April 1692.	50 0 0		
To 29 Sept. 1692 - - -	50 0 0		
		100 0 0	
Simon Smith, Otter-hunter, for one year to 29 Sept. 1692 -	—	28 1 2	
Henry Ayloff, King's Remembrancer.	—	424 1 8	
Thomas Hide - - - -	—	37 10 0	
John Ady and Hen. Ballow, Deputy Chamberlains of the Exchequer.	—	40 1 0	38,907 18 8
			644,839 14 11¾
29 Sept. 1692. Remains to Balance on Customs.	—	9,240 0 2½	
Ditto on Coinage - -	—	82 17 7½	
			9,322 17 10
			654,162 12 9¾

Fol. 20.

The ACCOUNT of the NEW IMPOSITIONS from Michaelmas 1691 to Michaelmas 1692. } Cr.

By Payments into the Exchequer, viz.:—	£ s. d.	£ s. d.	£ s. d.
Of East India Goods:—			
From Michaelmas 1691 to 2 Jan. 1691.	44,156 5 0		
From thence to 2 April 1692	10,718 9 8		
To 2 July 1692 - - -	51,496 2 4¾		
To 29 Sept. 1692 - - -	41,266 12 11½		
		147,637 10 0¼	
Wine and Vinegar:—			
From Michaelmas 1691 to 2 Jan. 1691.	10,413 5 10¾		
From thence to 2 April 1692	30,084 10 1½		
To 2 July 1692 - - -	57,407 14 4¾		
To 29 Sept. 1692 - - -	33,070 0 8½		
		130,975 11 1¼	
Transported -	—	278,613 1 1½	

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 19—*cont.*

The ACCOUNT of the NEW IMPOSITIONS from Michaelmas 1691 to Michaelmas 1692—*cont.* } Dr.

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	285,705 4 6½	
Tobacco and Sugar :—			
From Michaelmas 1691 to 2 Jan. 1691.	55,283 7 5¼		
From thence to 2 April 1692 -	42,051 14 0½		
To 2 July 1692 - - -	22,542 5 5¼		
To 29 Sept. 1692 - - -	59,469 4 4½		
		179,346 11 3½	
			465,051 15 10

Fol. 21.

The ACCOUNT of the EXCISE from 28 Sept. 1691 to 28 Sept. 1692. } Dr.

	£ s. d.	£ s. d.	£ s. d.
To the Remains in Cash, 28 Sept. 1691.	—	—	37,485 5 0
To Receipts since to 28 Sept. 1692, viz. :—			
Of Hereditary and ¼ Temporary :—			
To 2 Jan. 1691 - - 76,086 5 2			
To 2 April 1692 - - 74,193 11 2			
To 21 May 1692 - - 95,532 12 1¼			
	245,812 8 5½		
¾ *Temporary Excise* :—			
To 2 Jan. 1691 - - 5,651 15 3½			
To 2 April 1692 - - 44,516 2 11¾			
To 21 May 1692 - - 22,760 12 3¾			
	112,928 10 6¾		
Hereditary and Temporary Ex[cise] :—			
From 21 May to 28 Sept. 1692	116,049 15 3½		
		474,790 14 3½	

for the Year ending the 29th of September 1692—*continued.*

Fol. 20—*cont.*

The ACCOUNT of the NEW IMPOSITIONS from Michaelmas 1691 to Michaelmas 1692—*cont.* } Cr.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			278,613	1	1½			
Tobacco and Sugar :—									
From Michaelmas 1691 to 2 Jan. 1691.	50,937	16	5¾						
From thence to 2 April 1692	35,975	6	8½						
To 2 July 1692 - - -	19,204	18	1¼						
To 29 Sept. 1692 - - -	53,468	16	1½						
				159,586	17	5			
Debentures, &c. :—							438,199	18	6½
From Michaelmas 1691 to 2 Jan. 1691.	—			5,948	0	9½			
From thence to 2 April 1692	—			6,822	3	5			
To 2 July 1692 - - -	—			5,321	16	10			
To 29 Sept. 1692 - - -	—			8,759	16	3			
							26,851	17	3½
							465,051	15	10

Memorandum.—

The Debentures for East India Goods are comprehended, as usual, in the Debentures of the Customs in general, because the Act of Parliament which first gave them, appointed the total produce thereof to be paid into the Exchequer.

Fol. 22.

The ACCOUNT of the EXCISE from 28 Sept. 1691 to 28 Sept. 1692. } Cr.

	£	s.	d.	£	s.	d.	£	s.	d.
By Payments into the Exchequer :—									
Of Hereditary and ¼ Temporary Excise :—									
To 2 Jan. 1691	26,000	0	0						
To 2 April 1692 -	26,256	3	11½						
To 21 May 1692 -	35,032	8	3						
				87,288	12	2½			
¾ *Temporary Excise :—*									
From 28 Sept. to 2 Jan. 1691 -	47,916	10	3						
To 2 April 1692 -	44,849	1	7½						
To 21 May 1692 -	22,488	6	11						
				115,253	18	9½			
Hereditary and Temporary Excise :—									
From 21 May to 28 Sept. 1692.	50,410	5	8						
				252,952	16	8			
Additional Excise :—									
From 28 Sept. to 2 Jan. 1691	42,114	18	2½						
To 2 April 1692 - - -	92,536	7	5½						
To 2 July 1692 - - -	110,681	4	5½						
To 28 Sept. 1692 - -	106,788	1	3						
				352,120	11	4½			
Transported -	—			605,073	8	0½			

HOUSE OF LORDS MSS.

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ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 21—*cont.*

The ACCOUNT of the EXCISE from 28 Sept. 1691 to 28 Sept. 1692—*cont.* } Dr.

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	474,790 14 3½	
Additional Excise:—			
From 28 Sept. to 2 Jan. 1691	43,207 1 7		
From thence to 2 April 1692	95,223 12 7		
To 2 July 1692 - - -	113,845 14 9¾		
To 28 Sept. 1692 - - -	104,457 17 2¾		
		356,734 6 2½	
Double 21*d. and* 30*d.*:—			
From 28 Sept. to 2 Jan. 1691	1,540 14 9¼		
From thence to 2 April 1692	50,786 11 5¼		
To 2 July 1692 - - -	77,642 16 5¼		
To 28 Sept. 1692 - - -	84,719 15 0¼		
		214,689 17 8½	
Arrears of the last Year's Double Excise:—			
From 28 Sept. to 2 Jan. 1691	153,330 5 1¼		
From thence to 2 April 1692	47,866 12 7		
To 2 July 1692 - - -	1,134 2 11½		
To 28 Sept. 1692 - - -	310 10 11½		
		202,641 11 7¼	
Low Wines:—			
From 28 Sept. to 2 Jan. 1691	2,900 0 0		
From thence to 2 April 1692	4,400 0 0		
To 2 July 1692 - - -	3,200 0 0		
To 28 Sept. 1692 - - -	3,520 1 4		
		14,020 1 4	
			1,262,876 11 1½
Transported -	—	—	1,300,361 16 1½

Fol. 23.

	£ s. d.	£ s. d.	£ s. d.
Transported -	—	—	1,300,361 16 1½

for the Year ending the 29th of September 1692—*continued*.

Fol. 22—*cont.*

The ACCOUNT of the EXCISE from 28 Sept. 1691 to 28 Sept. 1692—*cont.* } Cr.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			605,073	8	0½			
Double 21d. and 30d. :—									
From 28 Sept. to 2 Jan. 1691	150,204	10	10						
From thence to 2 April 1692	102,974	2	6½						
To 2 July 1692 - - -	76,764	17	9½						
To 28 Sept. 1692 - -	83,901	1	7½						
				413,844	12	9½			
Low Wines :—									
From 28 Sept. to 2 Jan. 1691	2,899	3	4						
From thence to 2 April 1692	3,199	2	8						
To 2 July 1692 - - -	4,398	13	0						
To 28 Sept. 1692 - -	3,519	0	6						
				14,015	19	6			
							1,032,934	0	4
By Pensions :—									
Queen Dowager :—									
From 28 Sept. to 2 Jan. 1691	3,052	8	9½						
From thence to 2 April 1692	3,052	8	9½						
To 2 July 1692 - - -	3,052	8	9½						
To 28 Sept. 1692 - -	3,052	8	9½						
				12,209	15	2			
Prince and Princess of Denmark :—									
From 28 Sept. to 2 Jan. 1691	12,500	0	0						
From thence to 2 April 1692	12,500	0	0						
To 2 July 1692 - - -	10,000	0	0						
To 28 Sept. 1692 - -	13,000	0	0						
				48,000	0	0			
Duke of Northumberland :—									
From 28 Sept. to 2 Jan. 1691	200	0	0						
From thence to 2 April 1692	300	0	0						
To 2 July 1692 - - -	1,300	0	0						
To 28 Sept. 1692 - -	1,300	0	0						
				3,100	0	0			
Transported -	—			63,309	15	2	1,032,934	0	4

Fol. 24.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			1,032,934	0	4
Pensions transported -	—			63,309	15	2			
Duke of Southampton :—									
From 28 Sept. to 2 Jan. 1691	475	0	0						
To 2 April 1692 - - -	150	0	0						
To 2 July 1692 - - -	650	0	0						
To 28 Sept. 1692 - -	650	0	0						
				1,925	0	0			
Duchess of Richmond :—									
From 28 Sept. to 2 Jan. 1691	110	0	0						
From thence to 2 April 1692	120	0	0						
To 2 July 1692 - - -	520	0	0						
To 28 Sept. 1692 - -	360	0	0						
				1,110	0	0			
Transported -	—			66,344	15	2	1,032,934	0	4

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 23—*cont.*

The ACCOUNT of the EXCISE from 28 Sept. 1691 to 28 Sept. 1692—*cont.*						Dr.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Transported	—			—			1,300,361	16	1½

for the Year ending the 29th of September 1692—*continued*.

Fol. 24—*cont.*

The ACCOUNT of the EXCISE from 28 Sept. 1691 to 28 Sept. 1692—*cont.* } Cr.

	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			1,032,934	0	4
Pensions transported -	—			66,344	15	2			
Duke of Grafton :—									
From 28 Sept. to 2 Jan. 1691	500	0	0						
From thence to 2 April 1692	500	0	0						
To 2 July 1692 - - -	500	0	0						
To 28 Sept. 1692 - -	500	0	0						
				2,000	0	0			
Duchess of Grafton :—									
From 28 Sept. to 2 Jan. 1691	250	0	0						
From thence to 2 April 1692	250	0	0						
To 2 July 1692 - - -	250	0	0						
To 28 Sept. 1692 - -	250	0	0						
				1,000	0	0			
Duchess of Buccleuch :—									
To 2 April 1692 - - -	300	0	0						
From thence to 2 July 1692	1,300	0	0						
To 28 Sept. 1692 - -	1,300	0	0						
				2,900	0	0			
Bailiffs of Yarmouth : one Year's allowance.	—			160	0	0			
							72,404	15	2
By Repayment of Loan and Interest, viz. :—									
Principal :—									
From 28 Sept. to 2 Jan. 1691	30,000	0	0						
From thence to 2 April 1692	25,000	0	0						
To 2 July 1692 - - -	31,500	0	0						
To 28 Sept. 1692 - -	38,500	0	0						
				125,000	0	0			
Interest :—									
From 28 Sept. to 2 Jan. 1691	1,178	16	5						
From thence to 2 April 1692	971	18	$2\frac{1}{4}$						
To 2 July 1692 - - -	1,404	3	$0\frac{1}{2}$						
To 28 Sept. 1692 - -	951	4	1						
				4,506	1	$8\frac{3}{4}$			
							129,506	1	$8\frac{3}{4}$
By the Victuallers of the Navy; paid them out of Double Excise :—	—			—			15,000	0	0
By Salaries and Incidents to 2 Jan. 1691.	—			6,978	4	11			
From thence to 2 April 1692	—			5,852	19	$7\frac{1}{2}$			
To 2 July 1692 - - -	—			6,904	1	11			
To 28 Sept. 1692 - -	—			6,590	5	7			
							26,325	12	$0\frac{1}{2}$
By Balance remaining 28 Sept. 1692 :—							1,276,170	9	$3\frac{1}{4}$
Hereditary and Temporary Excise.	—			9,263	0	$10\frac{1}{4}$			
Additional 9*d.* and Double 9*d.*	—			7,237	19	1			
Double 21*d.* and 30*d.* -	—			7,684	17	9			
Low Wines - -	—			5	9	2			
							24,191	6	$10\frac{1}{4}$
							1,300.361	16	$1\frac{1}{2}$

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 25.

The ACCOUNT of the POST OFFICE from 29 Sept. 1691 to 3 Oct. 1692. } Dr.

	£	s.	d.	£	s.	d.
To Receipts, viz.:—						
From 29 Sept. 1691 to 4 Jan. 1691 - -	20,478	16	5			
From thence to 4 April 1692 - - -	19,196	2	11			
From 4 April to 4 July 1692 - - -	21,654	3	8			
And to 3 Oct. 1692 - - - -	19,189	13	9			
				80,518	16	9

for the Year ending the 29th of September 1692—*continued.*

Fol. 26.

The Account of the Post Office from 29 Sept. 1691 to 3 Oct. 1692. } Cr

	£ s. d.	£ s. d.	£ s. d.
By Payments into the Exchequer, viz.:—			
From 29 Sept. to 4 Jan. 1691	—	10,241 15 3	
From thence to 4 April 1692	—	6,800 0 0	
To 4 July 1692 - -	—	2,855 13 10	
			19,897 9 1
By Pensions, viz.:—			
Duchess of Cleveland:—			
From 29 Sept. to 4 Jan. 1691	700 0 0		
From thence to 4 April 1692	1,300 0 0		
To 4 July 1692 - - -	700 0 0		
		2,700 0 0	
Marquess of Carmarthen:—			
From 29 Sept. to 4 Jan. 1691	875 0 0		
From thence to 4 April 1692	875 0 0		
To 4 July 1692 - - -	875 0 0		
To 3 Oct. 1692 - - -	875 0 0		
		3,500 0 0	
Earl of Rochester:—			
From 29 Sept. to 4 Jan. 1691	1,400 0 0		
From thence to 4 April 1692	1,300 0 0		
To 4 July 1692 - - -	700 0 0		
		3,400 0 0	
Earl of Bath:—			
From 29 Sept. to 4 Jan. 1691	625 0 0		
From thence to 4 April 1692	625 0 0		
To 4 July 1692 - - -	625 0 0		
		1,875 0 0	
William Dockwra:—			
From 29 Sept. to 4 Jan. 1691	125 0 0		
From thence to 4 April 1692	125 0 0		
To 4 July 1692 - - -	125 0 0		
		375 0 0	
			11,850 0 0
Spanish Ambassador: paid short.	—	—	486 6 9
By the Works, paid Thomas Lloyd:—			
From 4 Jan. 1691 to 4 April 1692.	—	1,600 0 0	
From thence to 4 July 1692 -	—	10,400 0 0	
To 3 Oct. 1692 - - -	—	10,400 0 0	
			22,400 0 0
By Secret Service, to Henry Guy, Esq.:—			
From 4 April to 4 July 1692	—	300 0 0	
From thence to 3 Oct. 1692 -	—	1,700 0 0	
			2,000 0 0
Packet Boats:—			
From 29 Sept. to 4 Jan. 1691	3,507 17 3		
From thence to 4 April 1692	3,670 12 6		
To 4 July 1692 - - -	2,601 0 5		
To 3 Oct. 1692 - - -	2,756 3 6		
		12,535 13 8	
Transported -	—	12,535 13 8	56,633 15 10

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 25—*cont.*

The ACCOUNT of the POST OFFICE from 29 Sept. 1691 to 3 Oct. 1692. } Dr.	£	s.	d.	£	s.	d.
Transported -	—			80,518	16	9

Fol. 27.

Receipts. { A GENERAL ACCOUNT made up from the foregoing Receipt, and stating	£	s.	d.	£	s.	d.	£	s.	d.
Cash remaining at Michaelmas 1691, viz.:—									
At the Exchequer -	63,182	5	4¼						
At the Custom House	13,315	3	11¼						
At the Excise Office -	37,485	5	0						
				113,982	14	3½			
Charged on Sir Robt. Howard to Michaelmas 1691, which he allowed not till the week after, viz.:—									
At the Custom House	10,841	8	5½						
And for New Impositions.	3,152	6	1½						
At the Post Office -	1,751	10	2						
				15,745	4	9			
							129,727	19	0½
Receipts from 29 Sept. 1691 to 29 Sept. 1692, viz.:—									
On Customs - -	640,847	8	10½						
New Impositions -	465,051	15	10						
Excise - - -	1,262,876	11	1½						
At the Post Office -	80,518	16	9						
On 4½ per cent. - -	2,420	0	0						
On small Branches -	69,903	6	7½						
Arrear of Hearth Money, Old Taxes, the second 12 months Aid and Quarterly Poll.	1,900,072	9	4½						
				4,421,690	8	7			
By the Account of Loans drawn up according to Sir Robert Howard's certificates; received more than paid.	204,044	3	8½						

for the Year ending the 29th of September 1692—*continued.*

Fol. 26—*cont.*

The ACCOUNT of the POST OFFICE from 29 Sept. 1691 to 3 Oct. 1692.	£	s.	d.	£	s.	d.	Cr. £	s.	d.
Transported -	—			12,535	13	8	56,633	15	10
Salaries and Incidents:—									
From 29 Sept. to 4 Jan. 1691	2,408	8	8						
From thence to 4 April 1692	2,872	2	1						
To 4 July 1692 - - -	2,508	15	8						
To 3 Oct. 1692 - -	2,392	18	5						
				10,182	4	10			
							22,717	18	6
							79,351	14	4
By Balance remaining, 3 Oct. 1692.	—			1,167		1			
By a former mistake - -	—					4			
							1,167	2	5
							80,518	16	9

Fol. 28.

ACCOUNTS, reducing the GROSS to a NEAT the ISSUES thereof.	£	s.	d.	£	s.	d.	*Payments.* £	s.	d.
Payments:—									
The Right Hon. Edw. Russell, Esq., for the Navy.	1,232,424	0	7						
The Victuallers of the Navy at the Excise Office.	15,000	0	0						
				1,247,424	0	7			
The Right Hon. Charles Bertie, Esq., for the Ordnance.	—			252,912	5	4			
The Right Hon. Earl of Ranelagh, for the Army.	1,084,983	3	11						
Mr. Fox and Lord Coningesby, the same.	810,959	12	0						
				1,895,942	15	11			
							3,396,279	1	10
Civil List:—									
The Earl of Belmont, Treasurer to Her Majesty.	—			61,500	0	0			
Privy Purse - - -	—			27,500	0	0			
Secret Service, to Mr. Guy	30,101	0	9¼						
To Lord Sydney - -	500	0	0						
To Sir Stephen Evance	12,000	0	0						
				42,601	0	9¼			
The Cofferer - - -	—			103,599	19	11			
Treasurer of the Chamber	—			32,932	15	0¾			
Great Wardrobe - -	—			23,943	2	0			
Master of the Horse at the Exchequer - - -	36,094	5	0						
At the Custom House -	11,400	0	0						
				47,494	5	0			
Master of the Robes -	—			3,500	0	0			
Thomas Neale, Esq., for the Mint.	—			12,146	12	9			
Transported -				355,217	15	6	3,396,279	1	10

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 27—*cont.*

Receipts. {	A GENERAL ACCOUNT made up from the foregoing Receipt, and stating								
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Transported -	204,044	3	8½	4,421,690	8	7	129,727	19	0½
More for what appears by certificate from the Excise was unpaid at Michaelmas 1692, though in the said account of loans it is allowed as paid, and therefore the true balance of that account is more than the last preceding article -	99,500	0	0						
				303,544	3	8½			
More allowed Sir Robert Howard as *per contra* in the payment of pensions which were not paid off by Michaelmas 1692, viz.:—									
Duke of Northumberland.	100	0	0						
Duke of Southampton	50	0	0						
Duchess of Buccleuch	1,100	0	0						
				1,250	0	0			
							4,726,484	12	3½
							4,856,212	11	4
Out of which Deduct for									
Debentures, Tidesmen, Salaries, &c., at the Custom House.	—			151,701	11	2			
Debentures and Allowances on New Impositions.	—			26,851	17	3½			
Salaries and Incidents at the Excise.	—			26,325	12	0½			
Salaries, Incidents, and Packet-boats at the Post Office, including 486*l.* 6*s.* 9*d.* paid short by the Spanish Ambassador.	—			23,204	5	3			
							228,083	5	9
To the Neat Money to be accounted for this year ending the 29th Sept. 1692, is - - -	—			—			4,628,129	5	7
Besides what Sir Robert Howard owneth more than he is charged with—									
On Customs - -	—			3,641	13	8¼			
New Impositions -	—			368	19	5			
							4,010	13	1¼
							4,632,139	18	8¼

for the Year ending the 29th of September 1692—*continued.*

Fol. 28—*cont.*

ACCOUNTS, reducing the GROSS to a NEAT the ISSUES thereof.				} *Payments.*					
	£	s.	d.	£	s.	d.	£	s.	d.
Transported -	—			—			3,396,279	1	10
Civil List transported	—			355,217	15	5	—		
Rent paid - - -	—			250	0	0			
Band of Pensioners - -	—			3,000	0	0			
Ambassadors' Envoys: Consuls, &c., at the Exchequer - - -	24,026	4	9						
At the Custom House -	1,056	2	6						
				25,082	7	3			
Law Suits - - - -	—			3,500	0	0			
Jewels and Plate - -	—			9,245	7	0			
Gardens - - - -	—			6,140	0	0			
Works, besides £2,400 for which Tallies were given on the Post Office, but not paid by Michaelmas 1692 -	—			29,259	18	7½			
Allowances to the Farmers of Post Fines -	—			6,427	1	4½			
Prosecuting Clippers and Coiners.	—			727	2	9			
Rewards to Receivers -	—			9,790	2	6½			
Free Gifts - -	—			33,058	14	0			
Mrs. Mary Whitton, for Swords.	—			50	0	0			
Redemption of Captives -	—			500	0	0			
King's Share of Condemned Tobacco Stalks.	—			534	2	6			
Salaries at the Exchequer -	84,152	8	7¼						
At the Custom House -	3,631	8	2						
				87,783	11	9¼			
Pensions at the Exchequer	49,026	7	1½						
At the Custom House -	1,632	15	0						
At the Excise Office -	52,997	8	9½						
At the Post Office -	13,850	0	0						
				117,506	10	11			
							688,072	14	2¾
Repayment of Loans at the Excise Office on the last year's Tallies.	—			—			75,000	0	0
Interest paid at the Exchequer.	—			196,680	10	7			
At the Custom House -	—			1,187	13	0			
At the Excise Office -	—			4,506	1	8¾			
							202,374	5	3¾
							4,361,726	1	4½
Cash at Michaelmas 1692:									
At the Exchequer -	—			191,864	5	8			
At the Custom House -	—			9,322	17	10			
At the Excise Office -	—			24,191	6	10¼			
At the Post Office -	—			1,167	2	5			
Money paid Sir Robt. Howard which he allows not till after Michaelmas 1692, viz., for Customs -	—			20,054	8	2½			
New Impositions -	—			23,813	16	4			
							270,413	17	3¾
							4,632,139	18	8¼

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts for the Year ending the 29th of September 1692—*continued*.

Fol. 29.

A PARTICULAR of the SALARIES charged to be paid in the foregoing account of the ISSUES out of the EXCHEQUER.

	£	s.	d.
The Rt. Hon. Marquess of Carmarthen, as President of the Council	1,125	0	0
The Rt. Hon. Lords Commissioners of the Great Seal	4,500	0	0
The Lords Commissioners of the Treasury	8,000	0	0
The Honourable Commissioners of the Privy Seal	752	0	0
The Four Clerks of the Council	1,000	0	0
William Blathwait, Esq, as Secretary to the Committee for Trade	1,468	6	10
Benjamin Colinge, Door-keeper of the Council	23	0	0
Nathaniel Cox, the same	23	0	0
The twelve Judges of England	8,641	17	10
The eleven Masters in Chancery	825	0	0
The Attorney General	40	13	4
The Solicitor General	35	0	0
The Rt. Hon. The Lord Lovelace, Chief Justice in Eyre South of Trent.	166	13	4
Sir John Trenchard, Chief Justice of Chester	375	0	0
Littleton Powys, Welch Judge	150	0	0
Sir John Trevor, as Speaker of the House of Commons	2,015	0	0
To the Master of the Rolls and for Chaplains	37	4	7
To the Door-keepers of the House of Commons	50	0	0
To the Door-keepers of the House of Lords	50	0	0
Sir Thomas Duppa, Usher of the Black Rod	250	0	0
Sir Charles Cotterel, Master of the Ceremonies	225	0	0
John Dormer, Assistant to the Master of the Ceremonies	91	5	0
Richard Le Bass, Marshal of the same	75	0	0
Serjeants-at-Arms	676	8	2
The Rt. Hon. the Lord Lucas, for keeping prisoners	867	1	9½
Simon de Brienne, Keeper of Kensington Palace	300	0	0
Ralph Kein, Closet Keeper to his Majesty	250	0	0
Robert Ford, Housekeeper at Newmarket	136	17	6
Elizabeth Elliot, Housekeeper at ditto	350	0	0
Earl of Bath, Housekeeper at St. James's	280	0	0
John Jones, Apothecary to the Household	40	0	0
Thomas Shadwell, Poet Laureate	300	0	0
Simon Smith, Harbinger and Otter-hunter	147	10	0
Christopher Tancred, Master of the Harriers	500	0	0
Thomas Felton and William Chiffinch, Masters of the Hawks	1,901	5	6½
Walter Laycock, Surveyor of the Forests North of Trent	25	0	0
Colonel William Wolseley, for the Officers of Dean Forest	420	0	0
Peter Guenon Beaubuisson, Gentleman of the Arms	197	16	3
Richard Welbeck, Keeper of Reading stables	9	2	6
John Fitch, Master Worker of the Fortifications	150	0	0
John How, Esq., Keeper of the Pall Mall	125	0	0
Isaac Richier, Governor of Bermudas	420	0	0
The Rt. Hon. Richd. Hambden, Esq., Chancellor of the Exchequer	200	0	0
Baron Bradbery on his several Fees	178	6	8
Sir Robert Howard, for extra service, besides his share with the Officers of the Receipt.	200	0	0
Auditor Bridges	66	13	4
Auditor Done	66	13	4
Auditor Shales	400	0	0
The four Agents for Taxes, for themselves, clerks, messengers, and Incidents.	1,064	8	4
George Blackwell, Secondary in the Exchequer	5	0	0
John Low, and Peter Le Neve, Deputy Chamberlains	120	0	0
John Packer, Usher of the Receipt on his Liberate	2,429	5	6¾
Carried forward	41,745	9	10¾

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts for the Year ending the 29th of September 1692—*continued*.

HOUSE OF LORDS MSS.

1692.

Fol. 30.

A PARTICULAR of the SALARIES, &c.—*continued*.

	£	s.	d.	£	s.	d.
Brought forward		—		41,745	9	10¾
William Parks, Porter at the Exchequer		—		20	0	0
The Officers of the Receipt on their several Fees		—		792	14	0
To Messengers in General		—		1,508	9	0
John Walker, Usher of the Exchequer, on his fee of 5*d*. per diem and Liberate.		—		1,322	10	2
Thomas Cole and Walter Wallinger, Secondaries in the Remembrancer's Office.		—		40	0	0
William Wardour, Clerk of the Pells		—		145	8	4
John Pottinger, Comptroller of the Pipe		—		40	0	0
Robert Russell, Clerk of the Pipe		—		134	0	2½
The Officers of the Tally Court		—		541	4	0
John Norris, Joiner		—		24	9	7
Henry Villiers, Esq., Master of the Tennis Court		—		264	7	6
John Branch, Bailiff of Battles Walk in Windsor Forest.		—		125	0	0
Michael Studholme, Guide of the Roads		—		137	13	4
Heralds and Pursuivants		—		1,260	0	0
John, Philip, and Joseph Rotiers, Gravers of the Mint.		—		562	10	0
Earl of Rochester, as Keeper of New Park		—		328	10	0
Christopher Musgrave, Esq., Clerk of the Deliveries in the Office of the Ordnance		—		36	10	0
Charles Killegrew, Master of the Revels		—		30	0	0
Simon Harcourt, Secondary in the Crown Office, for fees and charges paid on their Majesties' behalf.		—		260	13	2
Henry Harris, Engraver of Seals		—		125	0	0
The Commissioners of Accounts: nine for half a year, and afterwards seven.	4,000	0	0			
Geo. Tollet, Secretary to said Commissioners, to defray the charge of the said Commission.	2,500	0	0			
				6,500	0	0
To the Officers of the Works, viz.:—						
Thomas Lloyd, Paymaster of the Works	63	17	6			
Sir Christopher Wren, Surveyor, and his clerk	79	16	10½			
William Dickenson, chief clerk	116	13	4			
Charles Atherton, plumber	31	18	9			
Maurice Emmet, master bricklayer	31	18	9			
John Grove	31	18	9			
William Ireland, glazier	34	0	9			
Henry Philips, graver	47	18	1½			
Matthew Bankes, carpenter	31	18	9			
John Oliver, mason	31	18	9			
Alexander Fort, joiner	92	1	10½			
William Talman, comptroller	41	1	3			
Matthew Roberts, plumber of Windsor Castle	31	18	9			
Joseph Ratcliff	18	5	0			
				685	7	2½
To the Master of the Barges		—		82	10	0
Earl of Bath, Keeper of St. James's Park, for two Underkeepers.		—		346	1	0
Thomas Gardener, Storekeeper of the Ordnance		—		187	1	3
Richard Leake, Master-Gunner of England		—		63	17	6
William Avery, relating to Fortifications		—		69	5	8
Lord Sydney, as Secretary of State		—		125	0	0
Doctor Sherlock, Master of the Temple		—		37	6	8
Robert Mawgridge, Drum-major		—		28	14	11
The King's Remembrancer's Office for the Secondary and Clerks.		—		82	0	0
Carried forward		—		57,651	13	4¾

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts for the Year ending the 29th of September 1692—*continued.*

Fol. 30—*cont.*

A PARTICULAR of the SALARIES, &c.—*continued.*

	£	s.	d.	£	s.	d.
Brought forward -		—		57,651	13	4¾
To Charles Bertie, Esq., Treasurer of the Ordnance		—		40	0	0
Anthony Church, Keeper of the Gatehouse -		—		136	0	0
The Master of the Horse - - -		—		183	6	8
Sir Joseph Williamson, Keeper of the Records in Whitehall.		—		480	0	0
John Burrard, Riding Forester in New Forest -		—		11	8	1⅓
Carried forward -		—		58,502	8	2¼

Fol. 31.

	£	s.	d.
Brought forward -	58,502	8	2¼
To the Earl of Dorset, Keeper of Greenwich Park, for Keeper's wages	300	0	0
Earl of Lindsey, Keeper of Waltham Forest, for Keepers -	233	10	0
Thomas Stephens, messenger, for looking after printing presses and incidents.	30	0	0
Sir Tho. Littleton, Clerk of the Ordnance - - -	54	15	0
John Charlton, Esq., Surveyor of the same - - -	82	2	6
William Wicket, letter carrier - - - - -	15	0	0
K. Charles 2nd's Servants - - - - -	12,646	0	5
Clerks in the Treasurer's Remembrancer's Office - -	22	10	0
John Bellamy in Reward for service - - - -	80	0	0
Pages of the Back Stairs - - - - -	36	0	0
Earl of Devonshire, Chief Justice in Eyre North of Trent -	100	0	0
Gentlemen of the Bedchamber - - - - -	8,400	0	0
Grooms of the Bedchamber - - - - -	3,375	0	0
William Clark, Keeper of Bagshot Range - - -	30	0	0
Anthony Seager, for disbursements for the Treasury - -	244	17	6
	84,152	3	7¼

Besides Salaries paid at the Custom House, as in the foregoing Account of Customs.

A PARTICULAR of the PENSIONS charged to be paid in the foregoing ACCOUNT of the ISSUES at the EXCHEQUER.

	£	s.	d.
To Sir Samuel Moreland - - - - - - -	600	0	0
Countess of Plymouth - - - - - - -	3,000	0	0
Mrs. Elizabeth Hamilton, for herself and children - -	1,350	0	0
Countess of Bristol - - - - - - -	2,000	0	0
Earl of Oxford - - - - - - - -	2,000	0	0
Duke of Grafton - - - - - - -	3,500	0	0
Duchess of Grafton - - - - - - -	1,000	0	0
John Vaughan - - - - - - - -	150	0	0
Charles Toll, Esq., for the Earl of Sunderland - - -	1,000	0	0
Philip Howard - - - - - - - -	460	0	0
Nicholas Tettersol - - - - - - -	100	0	0
Anne Golding - - - - - - - -	150	0	0
Anne Lawson - - - - - - - -	250	0	0
John Rogers - - - - - - - -	100	0	0
Lodowick Bray - - - - - - - -	50	0	0
Lady Price - - - - - - - -	200	0	0
Eleanor Nedham - - - - - - - -	300	0	0
Jane Bartlet - - - - - - - -	300	0	0
Lady Armstrong - - - - - - - -	250	0	0
James Grey - - - - - - - -	510	13	0
Carried forward -	17,270	13	0

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts for the Year ending the 29th of September 1692—*continued.*

Fol. 31—*cont.*

A PARTICULAR of the PENSIONS, &c.—*continued.*

	£	s.	d.
Brought forward	17,270	13	0
To Charlotte Killegrew	210	0	0
Solomon Foubert	500	0	0
Susanna Leighton	100	0	0
Sir Gabriel Sylvius	300	0	0
Mrs. Mary Fanshaw	200	0	0
Carried forward	18,580	13	0

Fol. 32.

	£	s.	d.
Brought forward	18,580	13	0
To Widow Collins	20	0	0
Colonel Ogar	45	12	6
Major Boskin	45	12	6
Colonel Hubanck	45	12	6
Duke	57	12	6
Sir Charles Slingsby	40	0	0
Mallet Slingsby	8	0	0
Elizabeth Slingsby	20	0	0
Richard Sydenham	87	12	1
Capt. Kettleby's grand-children	36	10	0
Capt. Baker	36	10	0
Anne Aubery	20	0	0
Lieut. Watkinson	18	5	0
Sir William Killegrew	187	10	0
Nicholas Nedham	120	0	0
Earl of Bath	1,250	0	0
Anne Fitzharris	125	0	0
Parry Walton	100	0	0
Francis Mansel	50	0	0
Jane Browning	45	0	0
Anne Baker	225	0	0
King Charles the First's Hospital	50	0	0
St. Martin's Parish	100	0	0
St. Margaret's, Westminster	50	0	0
Queen Dowager	12,157	6	4½
Christ's Hospital	370	10	0
Lord Mountjoy's children	75	0	0
Duchess of Richmond and Lennox	1,000	0	0
Duke of Southampton	1,500	0	0
Duke of Northumberland	3,000	0	0
Duchess of Buccleuch	4,000	0	0
Richard Nedham	60	0	0
Duchess of Buckingham	600	0	0
Earl of Derby, for Ministers in the Isle of Man	100	0	0
Vicar of Litchfield	15	0	0
Rose	30	0	0
Buss	10	0	0
Capt. John Richards	250	0	0
Sir John Osborne	25	0	0
St. James's parish	25	0	0
The Dean and Chapter of Westminster	60	0	0
Charles, Duke of Schonberg	4,000	0	0
Eaton College	42	0	0
Carried forward	48,709	6	5½

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ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts for the Year ending the 29th of September 1692—*continued*.

Fol. 33.

A PARTICULAR of the PENSIONS, &c.—*continued*.

	£	s.	d.	£	s.	d.
Brought forward -		—		48,709	6	5½
To Master of Southwell School - -		—		10	0	0
Elizabeth Madge - - - -	10	0	0			
Mary Nevill - - - -	12	10	0			
Sophia Nevill - - - -	12	10	0			
Helen Prideaux - - - -	7	10	0			
Ellen Pendrel - - - -	8	6	8			
Capt. Read - - - - -	12	10	0			
Ellen Rose - - - - -	3	0	0			
Capt. Silver's wife - - - -	3	0	0			
John Stephens - - - -	5	0	0			
Magdalen Thomas - - - -	2	10	0			
Mary Watson - - - -	10	0	0			
Susan Woodward - - - -	12	10	0			
Mag. Whitley - - - -	10	0	0			
Richard Yards - - - -	5	0	0			
William Aldham - - - -	10	0	0			
Mary Bocock - - - - -	10	0	0			
Martha Bastian - - - -	3	0	0			
Alice Elliot - - - - -	5	0	0			
Nicholas Estoll - - - - -	12	10	0			
Joyce Grooting - - - -	12	10	0			
George Holding - - - - -	5	0	0			
Lady Hamilton and Katharine Ironmonger, each 10*l*.	20	0	0			
Richard Jennings - - - - -	5	0	0			
Dame Elizabeth Lenthal - - -	5	0	0			
Elizabeth Loop and Elizabeth Richards -	10	0	0			
Mary Mitchel - - - - -	10	0	0			
Martha Francis and Joseph Lee, each 50*l*. per annum.	25	0	0			
Mary Brinknal - - - - -	5	0	0			
Laude Crispe - - - - -	5	4	0			
Hester D'Civil (*sic*) - - -	0	10	0			
John Clement - - - - -	12	10	0			
Thomas Smeaton and Alice Baggot, each 20*l*. per annum.	10	0	0			
Three poor persons disabled in service -	20	0	0			
				307	0	8 (*sic*)
				49,026	7	1½

Memorandum.—The Weekly Certificate from the Exchequer, between 29 Jan. and 5 Feb. 1691[-2], carries out the last particular, though the particulars come to 5*l*. 10*s*. more, and therefore, that it may agree with the Exchequer balance, it is set down in this account according to that certificate, though a mistake.

Fol. 34.

A PARTICULAR of the FREE GIFTS charged to be paid on the foregoing ACCOUNT of the ISSUES out of the EXCHEQUER.

	£	s.	d.
To Anne Babington - - - - - - -	148	4	6
Lord Stranaver - - - - - - -	500	0	0
Edward Howard - - - - - - -	50	0	0
Du Pre - - - - - - -	50	0	0
Kemp - - - - - - -	20	0	0
John Norris - - - - - - -	45	9	0
Carried forward -	813	13	6

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts for the Year ending the 29th of September 1692—*continued*.

Fol. 34—*cont.*

A PARTICULAR of the FREE GIFTS, &c.—*continued*.

	£	s.	d.
Brought forward	813	13	0
To Anne Kelley	100	0	0
Jane Davis	100	0	0
Frances Langford	100	0	0
Anne Dennis	20	0	0
Mary Scudmore	40	0	0
Lady Anne Bunce	150	0	0
Lady Dallison	100	0	0
Elenor Carlisle	80	0	0
Lady MacCarty	300	0	0
Mary Kirk	325	0	0
Mary Morrison	100	0	0
Colonel Edward Trufsel	50	0	0
Katharine Lesly	100	0	0
Martin De Carbonnel	30	0	0
Mary and Elizabeth Reynolds	50	0	0
French Protestants	13,200	0	0
Countess Dowager of Anglesey	100	0	0
Lady Brewster	50	0	0
Three Chaplains to Jamaica, 20*l.* each	60	0	0
Irish Protestants	500	0	0
John Weekes	80	0	0
James Prat	100	0	0
Virginia Chaplains	140	0	0
Archbishop of Canterbury	107	7	4½
Bishop of Hereford	294	11	3¾
Bishop of Gloucester	400	0	0
Dr. Frampton, late Bishop of Gloucester	162	10	0½
Robert Wolseley	200	0	0
James Roach	50	0	0
Shadrach Vincent, Esq.	449	10	11½
Mary Leech	5	0	0
Francis Goreman	15	0	0
Job Atkins	20	0	0
Carried forward	18,392	13	2¼

Fol. 35.

	£	s.	d.
Brought forward	18,392	13	2¼
To Elizabeth Simpson	50	0	0
Barbara Roach	30	0	0
Susannah Wesencroft	5	0	0
Colonel Emanuel Kingsmill	150	0	0
Alice King	75	0	0
Ursula Church	50	0	0
Lady Anne Moody	5	0	0
William Loup	20	0	0
Dame Sarah Newcomen	50	0	0
John Ward	67	12	0
Philip Madox	100	0	0
Chaplains to the Leeward Islands	40	0	0
Lord Willoughby of Parham	100	0	0
John Letherhead	186	5	6
Titus Oates	119	0	0
William Fanshaw	16	0	0
Lewis De Vill	50	0	0
Sir James Edwards	1,095	0	0
Carried forward	20,601	10	8¼

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ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 35—*cont.*

A PARTICULAR of the FREE GIFTS, &c.—*continued.*

	£	s.	d.
Brought forward -	20,601	10	8¼
To Sir John Morgan - - - - - -	500	0	0
George Ward - - - - - - -	65	14	0
Bishop of Bristol - - - - - -	400	0	0
Poor of London - - - - - -	1,000	0	0
Lord Sydney, for his equipage for Ireland - - -	3,000	0	0
Duke of Ormond - - - - - -	1,875	0	0
Colonel Fletcher - - - - - -	100	0	0
Walter Gibson, for the loss of two Frigates - - -	4,380	0	0
Several persons - - - - - -	125	12	0
The Vaudois - - - - - - -	422	17	3¾
Elizabeth Willoughby and others - - - -	70	0	0
William Aldenham - - - - - -	20	0	0
Colonel Howard - - - - - -	60	0	0
Rebecca Hamilton - - - - - -	50	0	0
Goodman - - - - - -	50	0	0
Matthews - - - - - -	18	0	0
Francis Roach - - - - - - -	20	0	0
Lord Morley and Monteagle - - - - -	100	0	0
William Aldworth - - - - - -	200	0	0
-	33,058	14	0

Fol. 37.

The ACCOUNT of LOANS stated, from

	£	s.	d.	£	s.	d.
Borrowed on the—						
First Twelve Months' Aid - - -	—			475	3	11
Second Twelve Months' Aid - - -	—			1,549,826	8	0
Quarterly Poll and General Loans - -	—			653,295	2	4
Excise.—Hereditary and ¼ Temporary -	60,500	0	0			
Additional - - - -	4,000	0	0			
Hereditary and Temporary -	69,000	0	0			
¼ Customs - - - -	50,000	0	0			
¾ Customs - - - -	435,427	2	1			
East India Goods - - -	191,479	9	11			
				810,406	12	0
				3,014,003	6	3

for the Year ending the 29th of September 1692—*continued.*

[Fol. 36 is blank.]

Fol. 38.

1 January 169½ to 29 September 1692.

	£	s.	d.	£	s.	d.
Repaid of the—						
First Twelve Months' Aid	—			449,343	11	9½
Second Twelve Months' Aid	—			696,278	4	9
Quarterly Poll and General Loans	—			177,000	0	0
Excise.—Hereditary and ¼ Temporary	60,500	0	0			
¾ Excise	58,767	8	10			
Additional	153,000	0	0			
Hereditary and Temporary	69,000	0	0			
¼ Customs	20,000	0	0			
¾ Customs	273,859	9	1			
East India Goods	96,305	7	9			
Continued Impositions	186,695	7	3½			
				918,127	12	11½
				2,240,749	9	6
So received more than paid	—			773,253	16	9
				3,014,003	6	3
Memorandum.—						
By the above Account there hath been more received on Loans than repaid	—			773,253	16	9
Also remaining unpaid on Tallies part of 60,500*l.* on the Hereditary and ¼ Temporary, and 69,000*l.* on Hereditary and Temporary Excise, there being, in truth, but 30,000*l.* paid thereon to 29 Sept. 1692, which advanceth the receipt of Loans more than hath been actually repaid	—			99,500	0	0
				872,753	16	9

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ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts

Fol. 39.

A GENERAL ACCOUNT of the INCOMES and ISSUES at the EXCHEQUER, CUSTOM

	£	s.	d.	£	s.	d.
In Cash at the Exchequer 1 Jan. 169½ -		—		100,553	17	8½
Received since, viz.:—						
On Customs, Coinage and 4½ per Cent. -		—		337,789	6	2½
New Impositions - - - -		—		346,960	15	0
Old Excise - - - - -	429,378	9	3¾	—		
Additional Excise - - - -	310,005	13	2	—		
Double Excise - - - - -	263,640	1	11½	—		
Low Wines - - - - -	11,116	16	2	—		
				1,014,141	0	7¼
Letter Money - - - - - -		—		45,080	13	10
Small Branches - - - - -		—		42,866	15	3½
Arrears of Old Taxes - - - -		—		443,953	14	4
Second Twelve Months' Aid and Quarterly Poll.		—		1,010,983	16	8
Account of Loans within the said time -		—		872,753	16	9
				4,215,083	16	4¾

Memorandum.—

In this Account is included, both in Receipts and Payments, to make the same agree with Sir Robert Howard's Accounts, Tallies struck upon the Excise for 99,500*l.* and Tallies on the Post Office for the Works, 2,400*l.*, so that the true Receipts and Payments were 101,900*l.* less to the 29 September 1692, than in the account above.

for the Year ending the 29th of September 1692—*continued.*

Fol. 40.

HOUSE, EXCISE and POST OFFICES, from 1 January 169½ to 29 September 1692.

	£	s.	d.	£	s.	d.
Paid the Treasurer of the Navy	1,211,388	6	7			
Ordnance	246,912	5	4			
English Army	930,903	4	5½			
Irish Army	738,374	13	8			
				3,127,578	10	0½
Civil List:—						
Earl of Belmont, Treasurer to Her Majesty	39,000	0	0			
Privy Purse	14,500	0	0			
Mr. Guy and Lord Sydney	24,340	7	9¼			
Cofferer	93,975	3	11			
Treasurer of the Chamber	31,426	15	0¾			
Great Wardrobe	23,943	2	0			
Master of the Horse at the Exchequer — 21,276 16 6	—					
at the Custom House — 7,400 0 0	—					
	28,676	16	6			
Master of the Robes	2,500	0	0			
The Mint	6,146	12	9			
Rent paid	175	0	0			
Band of Pensioners	3,000	0	0			
Ambassadors, Envoys, Consuls, &c.	21,500	17	3			
Law Suits	2,500	0	0			
Jewels and Plate	9,245	7	0			
Gardens	6,140	0	0			
Works	31,446	5	2½			
Rewards to Receivers	9,193	2	6½			
Free Gifts	27,585	11	9¼			
Pensions	84,402	8	3			
Salaries	75,879	3	4¼			
King's Share of Condemned Tobacco Stalks.	534	2	6			
Redemption of Captives	500	0	0			
Allowances to the Farmers of Post Fines	6,427	1	4½			
Mrs. Mary Whitton for Swords	50	0	0			
				543,087	17	3
Principal paid at the Excise	65,000	0	0			
and to pay there	99,500	0	0			
Interest paid at the Exchequer	144,184	18	10¾			
				308,684	18	10¾
Balance at the Exchequer in Cash	191,864	5	8			
not allowed by Sir Robt. Howard till after Michaelmas 1692.	43,868	4	6½			
				235,732	10	2½
				4,215,083	16	4¾

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts for the Year ending the 29th of September 1692—*continued.*

Fol. 41.

An ACCOUNT of what the Parliament gave WINTER SESSIONS 1691; compared with the INCOMES and ISSUES since that time.

	£	s.	d.	£	s.	d.
The Receipts from 1 Jan. 169½ (including what was then in Cash in the Exchequer) unto 29 Sept. 1692, were - -	—			4,215,083	16	4¾
Out of which deduct—						
Sir Robert Howard's fictitious receipts and payments at the Excise Office, which comes to - - - - -	99,500	0	0			
The like by his Tally on the Post Office for the Works, being - - - -	2,400	0	0	101,900	0	0
	Resteth -			4,113,183	16	4¾
Out of which must be further deducted what was actually paid at the Excise Office in satisfaction of Loans before 1 Jan. 169½ - - - - - -	65,000	0	0			
More paid for Interest of Loans since 1 Jan. 169½ at the Exchequer, Custom House, and Excise Office - -	144,184	18	10¾	209,184	18	10¾
	And then Resteth			3,903,998	17	6
The Money given in the Winter Sessions of Parliament to defray the charge of the War from 1 Jan. 169½ to 1 Jan. following, was—						
For the Army - - -	1,935,787	16	3			
Navy - - -	1,575,890	0	0			
	3,511,677	16	3			
To which add, by way of admittance, the charge of the Civil List within that time to amount to - - - - -	600,000	0	0			
So the whole charge of the War and Government for one year - - -	4,111,677	16	3			
Toward which paid out of the three Quarters' Receipt to the Navy, the Ordnance, and the Army, as appears in that account - - - - -	3,127,578	10	0½			
And on account of the Civil List - -	543,087	17	3			
In all - -	3,670,666	7	3½			
So that to state all the charges for one entire year adjusted last Sessions in Parliament, there wanted at Michaelmas 1692 - - - - - - -	441,011	8	11½			

Towards the satisfying which, there was then at the Exchequer a great Cash, amounting to 235,732*l.* 10*s.* 2½*d.*, of which, though much of it was appropriated to repay loans, yet a considerable part was not so, but hath been since applied toward the satisfying the balance above. And further, towards satisfying the same, must be reckoned all the Receipt of the Revenue, not anticipated before Michaelmas, and what will be due for the double Excise to 17 Nov. 1692, and arrears thereof to come in between Michaelmas and 1 Jan. next, which will go far towards the clearing the said balance. So that, if the expenses for this year, between Jan. 1691 and Jan. 1692 had not exceeded the said Estimates in Parliament, notwithstanding the Poll Bills falling short, there had been very little wanting to have cleared this year's account, and consequently little need of borrowing 700,000*l.* upon the credit of the Paid Bill given last Session.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts for the Year ending the 29th of September 1692—*continued*.

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Fol. 42.

The STATE of the LOANS, 29 Sept. 1692.

	Borrowed. £	s.	d.	Principal Repaid. £	s.	d.	Principal Owing. £	s.	d.
First Twelve Months' Aid	1,542,121	10	11⅓	1,541,949	1	9½	172	9	2
Second ditto	1,549,826	8	0	696,278	4	9	853,548	3	3
¾ Customs	435,427	2	1	117,426	2	5	318,000	19	8
¼ Customs	50,000	0	0	20,000	0	0	30,000	0	0
Hereditary and Temporary Excise.	129,500	0	0	30,000	0	0	99,500	0	0
⅔ Additional Excise	999,225	0	2½	195,500	0	0	803,725	0	2½
East India Goods	492,029	19	9	224,554	15	3	267,475	4	6
Continued Impositions	700,100	0	0	233,600	7	3½	466,499	12	8½
Loans in General	488,006	8	4	45,000	0	0	513,795	2	4
Quarterly Poll	165,288	14	0	94,500	0	0			
	6,551,525	3	4	3,198,808	11	6	3,352,716	11	10

	£	s.	d.	£	s.	d.
All Principal then owing upon the said Loans was		—		3,352,716	11	10
Out of which ought to be deducted what was owing upon Loans to be repaid out of the Revenue, viz.:—						
On ¾ Customs	318,000	19	8			
¼ Customs	30,000	0	0			
Hereditary and Temporary Excise	99,500	0	0			
				447,500	19	8
Resteth		—		2,905,215	12	2
Towards which in Cash at Michaelmas 1692 at the Exchequer, &c.	270,413	17	3¾			
Arrears at the Excise Office by Certificate	271,000	0	0			
To Receive on the second 12 Months' Aid	891,276	3	4½			
on the Quarterly Poll Bill.	353,743	9	0			
	1,245,019	12	4½			
By Estimate according to the produce last year between Michaelmas 1691 and Michaelmas 1692 of what will be produced by East India Goods to 10 Nov. 1695.	442,912	10	0¾			
By the like Estimate of what will be produced by the continued Impositions to 24 June 1696.	1,190,303	11	9			
More by the ⅔ Additional Excise so much as it is already made a Fund to repay Principal beside Interest.	803,725	0	2½			
				4,223,374	11	8½
Out of which deduct the balance above, being		—		2,905,215	12	2
Remaining to come in, in time towards defraying the charge of the War, except only that allowance must be made from the time that the duty on Sugar ceaseth (according to the value on that duty), the sum of		—		1,318,158	19	6½

HOUSE OF LORDS MSS.

1692.

ACCOUNTS COMMISSIONERS.—Book entitled, The Accompts for the Year ending the 29th of September 1692—*continued.*

Fol. 42—*cont.*

The STATE of the LOANS, 29 Sept. 1692—*continued.*

Note.—In this account is reckoned the Cash at Michaelmas and the arrears then due at the Excise, because besides those sums there is enough to come in on the 700,000*l.* borrowed on the Poll Bill and the produce of this quarter from the Double Excise and from the Revenue not anticipated, to defray the charge of this quarter. And therefore, although those sums included in this account may be spent before 1 January next, it is supposed as much or more will then be left on the whole produce of this quarter.

Memorandum.—That the Account above expressed in this leaf is only an estimate of what may come in by the Funds now charged with the debts thereupon, which by reason of the present charge (till that is lessened) not being of present use, the deductions proper to be made for interest and other charges are not stated, which will be best done at such time as use shall be made of what they will yield over and above the sums now charged upon them.

Fol. 43.

THO. CLARGES	L.S.	SAM. BARNARDISTON	L.S.
PAUL FOLEY	L.S.	P. COLLETON	L.S.
MATH. ANDREWES	L.S.	RO. HARLEY	L.S.
BENJAMIN NEWLAND	L.S.		

Endorsed as brought in this day by the Secretary to the Commissioners for taking the Public Accounts of the Kingdom. L.J., XV. 127. [The House on the 26th had ordered the Commissioners appointed by the late Act to examine the Public Accounts to send in an Account, in writing, under any five or more of their hands and seals, how the public treasure, revenues, and other things mentioned in that Act, had been disposed of. (*Ib.* 126.)]

611. Nov. 28. **State of the Nation:—**

PART I. ADDRESS OF ADVICE.

PART II. NAVAL MISCARRIAGES.

Papers connected with proceedings in a Committee of the Whole House on the State of the Nation. [The House this day, after reading the King's Speech of the 4th inst. (L. J., XV. 102, *in extenso*), resolved itself into Committee to consider it, pursuant to an Order of the 26th (*Ib.* 126), made on a motion to appoint a day for that purpose (MS. Min.). The proceedings, which ended in the Address of Advice on 18 Feb., were as follows:—

28 Nov. In C. W. H. First paragraph of the Speech read. *Moved*, That an Address be presented, that in future his Majesty's native subjects may be preferred in the Army before all others. That the Chief Commander of the English Foot [then Count Solms] shall be a subject born in England. After debate, *Question* proposed: Whether the words ("upon all occasions of vacancy that shall happen for the future") shall be inserted? *Previous Question* put: Whether the said Question shall be now put? Resolved in the *Negative*. *Agreed*: That the Chief Governor of the English forces under the King shall be a subject born in their Majesties' dominions. This Head was then reported, and agreed to by the House, as part of an Address of Advice. (MS. Min.; L. J., XV. 127.)

29 Nov. In C. W. H. (E. Bridgewater in the Chair), after some debate, *Agreed* to report for (1) A List of General Officers and Troops on the English establishment, to be sent in by Mr. Blathwaite, Secretary to the Army;* (2) A List of Officers belonging to the Ordnance,† as also an Account of the Stores, and what has been delivered out the last two years, and, on a question having arisen, whether the English officers have the same commands or posts as formerly, (3) Regulations for posting and ordering the Troops and Officers that were sent into the Low Countries in 1677 or 1678, to be sent in by the Keeper of the Paper Office in Whitehall.‡ *Moved* to enquire into the Descent intended in France, and the reason of our ships being lost since the victory at sea. *Moved* to hear Sir John Ashby. *Agreed* to report for—

(4) Orders and Instructions to the Fleet and the Answers thereto.§

(5) Orders relative to providing Transports.‖

(6) An Address for Orders, &c., sent by the Council or Secretary of State in the Summer's expedition at sea.

House resumed. Report made and agreed to. (MS. Min.; L. J., XV. 128.)

1 Dec. Papers brought in by *Mr. Blathwaite** and *Mr. Charlton*,† and referred to C. W. H. *Lord Cornwallis* acquaints the House that there are several Clerks at work in the Admiralty Office preparing papers for the House, but he fears they cannot be ready till the 3rd inst. *E. Rochester* acquaints the House that E. Nottingham was at work in his office with his own hands, to prepare papers for the House, and that they cannot yet be ready.

House put into a Committee upon Advice to the King, E. Bridgewater in the Chair. The Papers read. *Mr. Charlton* is called in and

* Papers (*a*), Part I.
† Papers (*b*), Part I.
‡ *See* Paper (*c*), Part I.
§ Papers (*b*) to (*g*), Part II.
‖ Paper (*a*), Part II.

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asked in what time he can be ready with an Answer to the Order for an Abstract of Stores for two years, and what has been delivered out, and where, and what now remains [for] land and sea? He says, he believes it will take three months to do it. In time of peace they are allowed two months. He withdraws. [*Question:*] That they should make an Abstract of the Stores two years ago, and what was delivered since, and what now remains, and put under the name of every species the sum total, and to what uses they have been issued. *Mr. Charlton* is re-called and asked the above Question, and also if they have not a State of this in their Office? He says that two years since there was a State made, and none since. *Moved*, to consider the neglect of the Office of Ordnance.

House resumed. *E. Bridgewater* reported the draft of an Order to be sent to the Ordnance, and desired another day might be appointed for C. W. H. *Ordered*, That the Ordnance Officers send by 7 Dec. an Account of the Stores two years ago, and what has been delivered since, &c., and also a List of all foreigners on their Establishment. (MS. Min.; L. J., XV. 131.)

2 Dec. Papers brought in by the *Commissioners of Transports*.* (MS. Min.)

3 Dec. C. W. H. (appointed for this day on 1 Dec.) put off to 6th inst. Several Papers brought in from the Lords of the Admiralty.† (MS. Min.; L. J., XV. 133–4.)

6 Dec. *E. Nottingham* brought in (by Command) the Papers, pursuant to Address of 29 Nov.‡ (L. J., XV. 129.) Said Papers referred to C. W. H.

House put into Committee, E. Bridgewater in the Chair. E. Nottingham's Papers read. *Moved*, that a day be appointed to consider of the business.

House resumed, and on report, ordered to be again in Committee to-morrow. (MS. Min.; L. J., XV. 135–6.)

7 Dec. *Mr. Charlton*, for the Ordnance Officers, brought in (pursuant to Order of 1st inst.) two Books§ and one Paper of names of Officers.‖ He says that, as for the issues of the Stores the last two years, they have not time as yet to do them, but are ready to obey the House in all things.

House put into Committee, E. Bridgewater in the Chair. The Papers brought in from the Commissioners of Transports ¶ are read.

House resumed. *Moved* that a Committee of both Houses be appointed to consider of Advice to be given to his Majesty upon consideration of the State of the Nation. After debate, *Question* put: Whether this House shall now send to the House of Commons for a Conference, and to propose to them that a Committee of both Houses should be appointed to consider of the present State of the Nation, and what advice to give his Majesty upon it? Resolved in the *Negative*. Contents 36; Not-contents 48. Tellers: E. Stamford and E. Scarborough. *Moved*, That a Committee be appointed to examine the papers brought in pursuant to the Orders of the House. *Moved* that the original Letters be brought to the House, of which E. Nottingham has brought the Abstracts. *Ordered* that the House be in Committee again to-morrow. (MS. Min.; L. J., XV. 136–7.)

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* Paper (*a*), Part II.
† Papers (*b*) to (*k*), Part II.
‡ Paper (*l*), Part II.
§ Paper (b^2), Part I. The second Book apparently is wanting.
‖ Paper (b^5), Part I.
¶ Paper (*a*), Part II.

8 Dec. *E. Nottingham* acquainted the House that he had brought the Book* and Letters, and that the Clerk had taken them by a List.† *Ordered* that the Letters be referred to C. W. H.

House put into Committee, E. Bridgewater in the Chair. The List of all such foreign Officers as are employed in the Ordnance is read.‡ *Moved*, that William Meesters being a foreigner and Commissioner of the Board of Ordnance, and Storekeeper, it be a Head of Advice to his Majesty to remove him. *Moved*, that no foreigner should be of the Board of Ordnance, or Keeper of the Stores in the Tower. *Agreed.*—And for the encouragement of the English, that there may not be so many strangers employed in the Office of the Ordnance. *Agreed.*—And that the Chief Officer of the Train of Artillery abroad, may be one of their Majesties' subjects. *Previous Question* put: Whether this Question shall be now put? Resolved in the *Affirmative*. Contents 41; Not-contents 38. Tellers: E. Marlborough and E. Scarborough. *Main Question* put and resolved in the *Affirmative*. *Agreed*, that E. Nottingham inspect the Book of Entries in 1678 for the Capitulation, [and that it] be brought tomorrow morning. *Moved* that the House take the Papers brought in by E. Nottingham into consideration in C. W. H. tomorrow the first business, and that the House be put into a Committee upon the business of the Capitulation and the regulation of the Officers.

House resumed. On report, *Ordered* to be in C. W. H. again tomorrow, on E. Nottingham's Papers, and on 10 Dec. on the Capitulation. (MS. Min.; L. J., XV. 139.)

9 Dec. House put into Committee, E. Bridgewater in the Chair. The following Papers were read:—

E. Nottingham's Abstract. [Paper (*l*), Part II.]
Letter by E. Nottingham which orders the Fight, by Admiral Russell, by the Queen['s command], May 11, [repeated] May 13. [*See* C. J., X. 750.]
Admiral Russell's Letters in answer to the Queen's.
Letter of the Council of War, 15 May 1692. [*See* C. J., X. 750.]
Queen's Order, 17 May. [*See* C. J., X. 750.]
Admiral Russell's Letter, La Hogue, 23 May 1692. [*See* p. 211, below.]
Admiral Russell's Letter, 25 May. [*See* p. 212, below.]
Admiral Russell's Letter, 26 May.§

Moved, that Admiral Ashby attend. *Ordered* that he be sent for to attend presently, and if he cannot be found this day, then to attend tomorrow morning. The following Papers read:—

Queen's Order, 3 June. [*See* C. J., X. 751.]
Admiral Russell's Letter 3 July 1692. [*See* C. J., X. 753.]
Do. Do. 10 July 1692. [C. J., X. 718–9. *In extenso*.]
E. Nottingham's Letter to him. [*See* C. J., X. 754 (13 July).]
Queen's Order, 6 June. [*See* C. J., X. 751.]
Council of War, sent in Admiral Russell's Letter, 13 [either June 13 or July 13. *See* C. J., X. 717 and 719.]

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* Paper (*l*), Part II.

† Papers (*m*) and (*m*[1]), Part II. Luttrell, under date, says:—"L. Nottingham delivered in his Papers relating to the descent, and made a long speech in his justification, desiring them thoroughly to examine it, and place the fault on whom it lay, hinting at the Admiral" [Russell].

‡ Paper (*b*[9]), Part I.

§ This must be E. Nottingham's Letter to Russell of date, referred to in his Abstract (Paper (*l*), Part II.).

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Account given that Sir John Ashby will attend the House tomorrow.

House resumed. On motion, a Committee appointed to consider of methods and ways how a Member of the House of Commons might be spoken with.* *Ordered* to be in C. W. H. again tomorrow, as to giving Advice on the papers and letters brought in by E. Nottingham (MS. Min.; L. J., XV. 140.)

10 Dec. House put into Committee, E. Bridgewater in the Chair. *Sir John Ashby* having been heard to several questions, part of Admiral Russell's Letter of 23 May 1692 was read, as also his Letter of 25 May. *Sir John Ashby*, being called in [again], was asked to give an account of what passed when the French went into the Race of Alderney.

A. I received a Letter from Admiral Russell.† Tourville was to the southward of me, and he went into the brest (*sic*) of Alderney. Admiral Russell had opportunity of cutting and going after the ships. The Dutch leewards of me bore away. We came to Admiral Russell to La Hogue bay to the burning of these ships.

Q. Did the Dutch go away by your order?

A. They lay on the leeward of me, and we came to La Hogue bay.

Q. What occasioned you to go to La Hogue?

A. We had lost sight of the French on Saturday night, and I thought it then best to follow to La Hogue.

Q. Was not the French [fleet] as big [in] ton[nage] as others?

A. I cannot say. The pilots would not take care of any of the first or second-rate ships.

Q. What occasioned the loss of sight [of the French]?

A. They were a league and a half to windward of us. They ventured to do that in the night, which we did not dare in the day.

He withdrew. *Moved* that he be asked if he was strong enough to fight them. *Agreed* that the following questions be asked him, viz.:—

1. Whether the whole number of the ships he was sent after, the 15 and 6 ships, went through the Race of Alderney, or what number of them?

2. Whether he could not advise with more pilots?

3. Whether the Dutch were under his command at that time?

4. What strength he had, and what the Dutch? How he came to think it necessary to go to La Hogue, and not to St. Malo or westward?

He is called in again and asked those questions.

Answer to No. 1:—Not above 6 sail got through. I saw but 6 next day and 15 sail. They plied and went by Jersey by the rocks. They were to windward of Alderney. They went betwixt Jethou and Guernsey.

Answer to No 2:—I came to an anchor between Guernsey and the Casquets. I made a signal; but two could come to me. Capt. Robson told me: "Sir, I would not venture a ship of 100 tons." The wind was at W.S.W. and W.N.W., dirty weather.

Answer to No. 3:—When the Admiral made the signal for all to chase, the Dutch were to windward. The next morning I was to windward. Admiral Russell had not time to give me order. I believe they are under, [my command], out of sight of the flag. With the Dutch, I was strong enough, and desired no more strength. If I had thought it necessary, I would have given a signal, and no question but they would have obeyed me. I made no signal.

* This Committee was appointed, according to Ralph (II., 397), in consequence of some statements in E. Nottingham's speech this day, incriminating Admiral Russell.

† *See* Paper (*n*) below.

Answer to No. 4:—We had lost sight of the 15 sail, they being better acquainted than we. We had no prospect to the westward. We came to the Admiral. If we had had any sight, we would have pursued. The Dutch were not in sight of Admiral Russell.

Q. Why did you not pursue out of sight the next day?

A. The pilot, a Guernsey man, said that he would not take care of the ships any further. We were in at Guernsey. At a general consultation with Admiral Russell, the pilot said he would not take care of them.

Admiral Russell's Letter to him* read. He withdrew. He is re-called, on motion, and asked the following question:—

Q. Whether the French lay at anchor the night after the Fleet [Fight], and we rode loose?

A. As to that, I was not a judge. It was thick weather. I saw Russell's flag, and he said he was clapt to an anchor. I believe they did anchor, about 9 or 10. Our Fleet did not anchor, as I know of. I anchored next morning. He was told he was dismissed.

House resumed. *V. Weymouth* reported a precedent from the Committee as to speaking with a Member of the House of Commons, which was read.† After debate thereupon, *Resolved* that a Conference be had with the Commons, and to communicate to them the Papers before this House. *Ordered* that a Committee be appointed to consider of the Narrative, Papers, Letters and Book brought in by E. Nottingham, and to prepare somewhat thereupon, to be offered at a Conference. *Ordered* to be in C. W. H. again on the 12th upon the Capitulation. (MS. Min.; L. J., XV. 142.)

12 Dec. House put into Committee, E. Bridgewater in the Chair. *E. Nottingham* gave an account that he had searched his office, but could not find the Capitulation. *E. Marlborough* brought in the original Instructions for the Capitulations in the Low Countries. A Clause read. Two other Clauses read:—"1. That our troops." House *moved* to be informed how the troops are now regulated. House was informed that in 1678 the post of honour (*sic*). [*Proposed*]: to take notice to his Majesty that he will be pleased to have a principal regard to the honour of this nation as to posting the troops. *Agreed* that it be reported that a Committee be appointed to word a clause pursuant to the debate.

House resumed. *E. Bridgewater* reported accordingly. Committee appointed to draw a Clause.‡

House adjourned during pleasure, and the Lords withdrew to draw the Clause. After some time,

House resumed. *M. Halifax* reported the Clause, being an Address for English officers to command Confederate ones of the same rank, except those of crowned heads. (L. J., XV. 145. *In extenso.*) The Clause read, and after debate, on Question, *agreed to*, and resolved accordingly. (MS. Min.; L. J., XV. 144–5.)

14 Dec. House to be put into Committee tomorrow. (MS. Min.; L. J., XV. 148.)

15 Dec. House put into Committee on further Heads of Advice. *Moved*, that all those troops that his Majesty shall think fit to leave here this next summer, may be his own subjects, except his Guards. After debate, [*Proposed*], That for the future we may have no other

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* Paper (*n*), Part II.

† Com. Book, 10 Dec.

‡ Com. Book, 12 Dec. The names originally proposed for this Committee include E. Rochester (MS. Min.), who is not in the List in L. J., XV. 144–5.

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foreign troops but his Majesty's Guards. To advise his Majesty that there may be no more foreign troops for the future than there are at present. *Question:* That no more foreign troops shall be *continued in** England for the future, than there are at present. *Previous Question* put: Whether this Question shall be put? Resolved in the *Negative*.

House resumed. (MS. Min.; L. J., XV. 149.)

17 Dec. Report made by Committee appointed on 10th inst., offering several Heads to the Consideration of the House.† Report read. *Moved* that copies be made of the original Letters in the Book from the Queen to Mr. Russell. *Moved* that the Heads be read on the 19th inst., and that all the Lords be summoned to attend. (MS. Min.; L. J., XV. 151.)

19 Dec. The Heads read. A debate arose, whether after the fight, the Fleet anchored or not, and what occasioned the distance between the enemy and us after the fight next morning, which seems not to be mentioned in the Heads. *Moved* that the Journals of the Fleet be inspected, and that a Committee be appointed to inspect some of them. *Moved* that Mr. Russell knows the particulars, and that an account be had from him. *Proposed*, that the Paper be transmitted to the House of Commons at a Conference, and the Letters and Narrative, with a copy of the dates of the Queen's and E. Nottingham's Letters. *Agreed*, that a Conference be desired with the Commons, and that these Papers be delivered at the Conference. After debate, wherein several Members of that House were mentioned, a Message was sent to the Commons for a Conference, &c. (MS. Min.; L. J., XV. 157.)

20 Dec. Conference agreed to, and had and reported. (MS. Min.; L.J., XV. 158.)‡

21 Dec. Message from the Commons for another Conference, to which the House agreed. §[The House took notice that but one person came with the Message from the House of Commons. After some time, and he not called, the House was acquainted that Sir John Morton had several Commons with him.] The Commons were then called in and told that the House agreed to a Conference.

Conference had and reported, with a Resolution of H. C. approving Admiral Russell's conduct. Report to be considered tomorrow. (MS. Min.; L. J., XV. 160.)

22 Dec. Report of last Conference read. After debate, *Ordered* that

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* Originally "brought into," then altered to "kept in," and finally altered as above (MS. Min.).

† L. J., XV. 153–7. *In extenso.* This Committee sat on Dec. 13, 14, 15, and 17, E. Bridgewater in the Chair. The Com. Book contains the rough Heads of the first part of the Report, down to "After the Battle," as well as the following entries:—14 Dec. Some debate arising concerning the power of the Committee, *Ordered* that the House be acquainted therewith, and their direction received therein. [As to this, the MS. Min. contain an entry, not in L. J., viz.:—"E. Bridgewater reported from the Committee appointed to consider of the Papers, Letters, and Book brought in by E. Nottingham, that they were in dispute whether the Papers should be called the L. Nottingham's Papers or Committee Papers, and the Committee desire directions. Revived and to sit tomorrow. L. Nottingham to have his Papers again."]—15 Dec. *E. Nottingham* reads a Paper, which is compared with the Narrative, and which his Lordship will bring fairer written tomorrow.—17 Dec. *E. Nottingham* brings the Paper fairly written, and it is read and agreed with the Paper he took away. He brings another Paper, which is read and compared with the Narrative. (Com. Book.)

‡ An entry in MS. Min. adds:—"Sir Thomas Duppa and Cooling [the Yeoman Usher] charged to acquaint the House so soon as the Commons come at any time."

§ The words here in square brackets are *noted* marginally as "not to be entered in the Journal."

a Committee be appointed to inspect the Journals concerning Free Conferences, and whether any have been desired with the Commons, wherein the House has not disagreed with them.* *Moved* to go into a further enquiry of the Papers and matters sent to the Commons. *Moved* to enquire concerning the anchoring or not anchoring after the fight with the French. *Moved* that a Committee of both Houses be appointed. *Proposed* to examine the whole business at a Committee as to the miscarriages and transactions at sea the last summer. Committee appointed. (MS. Min.; L. J., XV. 162.)

23 Dec. *E. Bridgewater* reported from the Committee to search Books that a time may be appointed for the Committee to sit again. *Ordered*, When they please. (MS. Min.)

29 Dec. Report made by *E. Mulgrave* from Committee appointed on the 22nd concerning Free Conferences, with Precedents (L. J., XV. 165, *in extenso*). The Precedents read. Moved to have a Free Conference, and that this matter be further enquired into. *Moved* to search whether it be regular what the Commons have done. After debate hereupon, a Committee appointed to inspect precedents whether the Commons' Resolution approving Admiral Russell's conduct, which was delivered at the Conference on the 21st, was according to the usual proceedings in Parliament, and to consider of Heads of what shall be offered at a Free Conference.† (MS. Min.; L. J., XV. 165.)

30 Dec. Report made by *E. Warrington* from Committee appointed yesterday, that they find the proceedings as to the Resolution not according to the usual practice, but that they had differed as to Heads for a Free Conference. After debate ‡[some words written down were read, to be offered at a Free Conference, and, after debate thereupon, the House agreed as follows, to be said by the Managers at a Free Conference:—"When their Lordships sent you down the Papers relating to the last Summer's expedition at sea, it was with an expectation to have some light in that matter from the information you might receive from some of your own members, which expectation of theirs has not been answered by the Vote you have delivered to their Lordships at the last Conference; the delivery of which Vote to their Lordships at the last Conference being a very unusual proceeding, because it was concerning a matter of fact only, without your having given the Lords any reasons which moved you to make the said Vote, and because many other things were contained in the said Papers, which might concern several others besides the person named in your Vote."] *Agreed* to resolve that the communication by the Commons of their Resolution, without reasons, was unusual. Message sent for a Free Conference. (MS. Min.; L. J., XV. 167.)

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* The proceedings of this Committee are thus recorded:—23 Dec., E. Bridgewater in the Chair. The Journals are sent for over, and some few of them looked into, and Papers put in, in order to acquaint the House with them.—24 Dec., E. Mulgrave in the Chair. Precedents of Aug. 9, 13, 31, and Sept. 1, 1660 (L. J., XV. 165, *in extenso*), considered and ordered to be reported. (Com. Book.)

† The proceedings of this Committee are thus recorded:—30 Dec., E. Warrington in the Chair. The Journals brought over are perused.—28 Dec., 1660. An Order was sent from the Commons for 10,000*l.* to the Queen of Bohemia. The Lords' concurrence not desired.—18 March 166⅞. A Message to the Commons to acquaint them that the Lords intend to adjourn, &c. [*Ordered*] to report that the Committee have inspected the Journals, but do not find that what was done by the Commons at the last Conference is according to the usual proceedings in Parliament. (Com. Book.)

‡ The words following in square brackets are expunged in MS. Min. and are noted marginally at the beginning, "No farther to be entered."

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31 Dec. Message from the Commons that they will return an answer (MS. Min.; L. J., XV. 167).*

3 Jan. 1692–3. Message from the Commons agreeing to a Free Conference (MS. Min.; L. J., XV. 171).

4 Jan. Free Conference had and reported (MS. Min.; L. J., XV. 173). [This Conference, at which E. Rochester was spokesman, terminated the proceedings on this subject.]

7 Jan. House *moved* that a day may be appointed to proceed on further Advice to his Majesty, in relation to last Summer's expedition. House to be in Committee on the 10th. (MS. Min.; L. J., XV. 175.)

10 Jan. C. W. H. put off to 12th inst. (MS. Min.; L. J., XV. 178.)

12 Jan. House in Committee upon Advice to be given to the King, E. Bridgewater in the Chair. *Moved* that we have Cautionary towns in Flanders from the Dutch. That the King be moved that he ask Cautionary towns of the Spaniards. *Question* [proposed]: Whether the Advice about the Cautionary towns shall be general or particular? *Question* [put]: Whether the King shall be advised to ask Cautionary towns abroad, to be put into the English hands for the security of his troops in general? Resolved in the *Negative*. Contents 24; Not-Contents 36. Tellers: E. Manchester and E. Stamford. *Question* [proposed]: Whether the King shall be advised to ask for Ostend and Nieuport as Cautionary towns, to be put into the hands of the English for the security of his troops? House resumed. (MS. Min.; L. J., XV. 181.)

10 Feb. House *moved*, that the Heads of Advice to be given to his Majesty be read. *Ordered* that the Heads be considered tomorrow, and all the Lords to attend. (MS. Min.; L. J., XV. 223.)

11 Feb. Order of yesterday read. *E. Bridgewater* reported the following [further] Heads from C. W. H., viz.:—

That no foreigner shall be of the Board of Ordnance or Keeper of the Stores in the Tower of London.

That for encouragement of the English, there may not be so many strangers employed in the Office of the Ordnance. *Agreed to.*

Then this Head was read:—

That the Chief Officer of the Train of Artillery abroad be one of their Majesties' subjects.

Question put: Whether ("a subject born in their Majesties' dominions") shall be in the Head, instead of ("one of their Majesties' subjects")? Resolved in the *Negative*. Contents 26 (including 4 Proxies); Not-Contents 28 (including 4 Proxies). Tellers: E. Bridgewater and E. Marlborough. The Head read again. *Question:* Whether to agree with the Committee in the Head. Resolved in the *Negative*. Contents 32 (including 5 Proxies); Not-Contents 32 (including 4 Proxies). Tellers as before. A Committee appointed to draw an Address upon the Heads of Advice agreed to.† (MS. Min.; L. J., XV. 225.)

17 Feb. *E. Mulgrave* reported that the Committee had not yet drawn the Address, because they thought that the House might add

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* The Commons, on receiving the Lords' Message on the 30th for a Free Conference, refused to agree to it at the time by negativing the Previous Question by 78 votes to 61 (C. J., X. 765), and agreed to send this message, received on the 31st.

† This Committee met first on 13 Feb. (E. Mulgrave in the Chair), and on 15 Feb. (E. Shrewsbury in the Chair), but only to adjourn. On the 17th (E. Mulgrave in the Chair), a Preamble to the Address was agreed to, and ordered to be written over against the next meeting. (Com. Book.) Nothing further recorded.

something more to the Heads already agreed on. *Moved*, That those Forces the King leaves here be English. *Moved*, That his Majesty leave 20,000 Englishmen in England to guard the Kingdom. *Agreed*, that it be part of the Advice to his Majesty, that 20,000 English soldiers shall remain in England the year next ensuing, and to be under the command of an Englishman.* *Moved*, That it be part of the Advice to his Majesty, That men may not be pressed to sea, and then delivered out of ships to land service. *Referred* to the Committee to draw something to the effect of the debate concerning pressing men for land service, to be added to the Address of Advice. [That the Committee consider of drawing something concerning the Lieutenancy of London.]† (M.S. Min.; L. J., XV. 234.)

18 Feb. *E. Mulgrave* reported the Address of Advice (L. J., XV. 235. *In extenso*). The same agreed to and ordered to be presented to his Majesty. (MS. Min.; L. J., XV. 235.)

24 Feb. King's Answer to Address reported and ordered to be printed (MS. Min.; L. J., XV. 246, 247.)]

The Papers connected with the above proceedings are as follows, being divided below into Part I., relating directly to the Address of Advice, and Part II., relating to the enquiry into the naval miscarriages, viz. :—

PART I. (ADDRESS OF ADVICE).

(*a*) 1 Dec. 1692. Papers (2) delivered in this day by Mr. Blathwaite, Secretary to the Army, pursuant to Order of 29 Nov. (L. J., XV. 128), and referred to C. W .H. (MS. Min.), viz. :—

(*a*[1]) List of the General Officers, as follows :—

Comte Solms, General of the Foot,

D. Leinster, General of the Horse.

Lieutenants-General :—E. Oxford, Mons. Auverquerc, E. Portland, Thos. Talmash, Esq.

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* Originally ("of one of their Majesties' natural-born subjects").

† The entry in square brackets is expunged in MS. Min., and there is nothing further to support the statement of Ralph (ii. 396) that a motion made by, or at the instance of, Lord Warrington, that it might be part of the Address to advise the removal from the Lieutenancy of persons disaffected to the Government, was rejected. The House, however, the next day, after agreeing to the Address of Advice, made an order to consider the State of the Lieutenancy of the City of London on the 20th (MS. Min.; L. J., XV. 236).—On 20 Feb. the MS. Min. record as follows, the words in square brackets being expunged :—The Order read for considering the State of the Lieutenancy of the City of London this day. [Ordered, that the person be called in who delivered the Papers concerning the Lieutenancy. Declared to be a scandalous Paper, and that there shall be due enquiry made after the author of it, in order to be punished. A scandalous Paper, containing things that seem to anticipate the judgment of this House. Declared to be an insolent Paper, and seems to anticipate the Judgment of this House.] Upon the delivery of a Paper at the Door to several Lords, it was *Moved* that the Paper be read. After debate, *Question* put: Whether the House shall now proceed upon the business appointed for the day, before the Paper be read? Resolved in the *Negative*. Contents 36 (including 4 Proxies); Not-Contents 44 (including 11 Proxies). Tellers: E. Feversham and L. Ashburnham. Then the Paper was read (L. J., XV. 238–40, *in extenso*). *Question* put: Whether this Paper is an insolent Paper? Resolved in the *Affirmative*. *Mr. Cooling* (sworn) says, Wilmer delivered the Papers. He delivered one to me. *Mr. Windham* (sworn) says Wilmer delivered one to him. *Mr. Snow* (sworn) says he saw Wilmer deliver Papers. He knows he delivered Papers. *Ordered* that Wilmer be taken into custody by Black Rod, and brought to the Bar the next day." (L. J., XV. 240.) Nothing further recorded. Luttrell adds that Wilmer, whom he describes as a "Kidnapper," slipt away and escaped, and that the debate on the Lieutenancy was adjourned *sine die* (21 Feb.)

HOUSE OF LORDS MSS
1692.

Majors-General :—Comte Nassau, Mons. Zulestein, Sir Henry Bellasis, E. Scarborough, D. Ormond, and L. Galway (Ireland).

Brigadiers :—L. Fitzharding, Col. Churchill, Col. la Meloniere, Col. Villiers, Sir Thos. Levingston, Col. Richd. Leveson, Mons. de l'Estang [l'Estrange in C. J., X. 565], Col. Ramsey, and Col. Boncour, and Sir John Hanmor and Col. Stewart (Ireland).

For the Danish Forces :—D. Wirtemberg, Lieut.-Gen. ; Marquis de la Forest, Major-Gen. ; and Col. Ellenberger, Brigadier.

Endorsed : No. 1.

(a^2) 1 Dec. 1692. List of all their Majesties' Land Forces upon the Establishment of England and Ireland. The List of Regiments is the same as that given in C. J., X. 712,* except in reading ("4 other Independent Companies and 1 Company of Invalides") instead of ("Company at Windsor, Upnor Company, New York Company, Company in Leeward Islands"), and adding the following Regiments, (*noted*, Ireland) viz. :—

Horse :—Col. Wolseley's Regiment.

Dragoons :—Col. Wynne's and Col. Echlin's Regiments.

Foot :—Col. Stewart's, Sir John Hanmor's, Col. Hamilton's, Sir Henry Bellasis', E. Meath's, Col. Coote's, E. Drogheda's, Col. Row's, Col. St. John's, Col. Michelbourne's, Col. Creighton's, Col. la Meloniere's, Col. du Cambon's, and Col. de Belcastel's Regiments.

This List also adds the names of the following Commanders, viz. :—

Horse :—E. Scarborough (1st Troop of Guards and Grenadiers).
D. Ormond (2nd Do.).
L. Colchester (3rd Do.).
E. Drumlangrig (Troop of Scots Guards).
E. Oxford (Royal Regiment).
Col. Lumley (Queen's Do.).

(Dutch) :—Mons. Auverquerc (Troop of Dutch Guards).
E. Portland (Regiment of Do.).

Dragoons :—Col. Mathew's (Royal Regiment).

Foot : †—D. Schonberg (1st Regt. of Guards, 4 Battalions).
Lieut.-Col. Talmash (Coldstream Guards, 2 Battalions).
Brigadier Ramsey (Regiment of Scots Guards).
L. George Hamilton (The Royal Regiment, 2 Battalions).
Col. Fitzpatrick (Royal Regt. of Fusileers).

(Dutch) :—Comte Solms (The Regt. of Dutch Guards, 3 Battalions).

The whole consisting of—

5 Troops of Horse Guards	- -	1098	
23 Regiments of Horse	- -	6525	7623 men.
7 „ Dragoons	- - -	3440	„
65 „ Foot - - - } 6 Independent Companies of Foot }	-	53024	„
In all	- -	64087	„

Endorsed : No. 2.

(b) Ordnance Office Papers, viz. :—

(b^1) 1 Dec. 1692. List of the Officers and Ministers belonging to the Office of their Majesties' Ordnance, with their respective yearly salaries and allowances : amounting in all to 13,484*l.* 5*s.* 6*d.*, as follows :—

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* Namely, the List of Land Forces for 1693, laid before the House of Commons on 25 Nov. 1692. The above List differs in several particulars, owing chiefly to the changes in command, from the one for 1692 given in C. J., X. 547.

† Col. Beveridge's Regiment (C. J., X. 712) is here described as "The Regiment, late Col. Beveridge's."

	£	s.	d.
Lieut.-Gen. of the Ordnance.—Right Hon. Sir Henry Goodrick	800	0	0
Surveyor-General.—John Charlton, Esq.	400	0	0
Clerk of the Ordnance.—Sir Thos. Littleton, Bart.	400	0	0
Storekeeper.—*William Meesters, Esq.**	400	0	0
Clerk of the Deliveries.—Christopher Musgrave, Esq.	300	0	0
Treasurer and Paymaster.—Hon. Chas. Bertie, Esq.	500	0	0
Clerks to Lieut.-Gen.—John Blake (60*l.*), Robert Williamson (40*l.*)	100	0	0
Clerks to Surveyor.—Sam. Criche, Anthony Fist (each 60*l.*) and Sam. Wolrich (40*l.*)	160	0	0
Clerks to Clerk of the Ordnance.—John Whiteing (75*l.*), John Hooper (65*l.*), Wm. Phelps and Christopher Gardiner (each 50*l.*)	240	0	0
Clerks to Storekeeper.—John Allen, Abel Barton and John Blackler (each 60*l.*)	180	0	0
Clerks to Clerk of the Deliveries.—Nich. Whittaker (60*l.*), Thos. Smith (50*l.*)	110	0	0
Clerks to Treasurer of the Ordnance.—Edward Hubbald (80*l.*), Richd. Marriott (50*l.*), James Leece (40*l.*)	170	0	0
Deputy Keeper of the Armoury.—George Francklyn, Esq.	60	0	0
Armourers.—Richd. Hoden, Jeremiah Crawford, George Wright (each 26*l.*)	78	0	0
Keeper of the Small Guns.—Thos. Gardiner	80	0	0
Frobusher in the Tower.—George Fisher	30	0	0
Storekeeper at Chatham.—Nicholas Cheltenham	120	0	0
„ *at Upnor Castle.*—Capt. Robt. Mynors	80	0	0
„ *at Sheerness.*—Capt. Robt. Crawford	80	0	0
„ *at Woolwich.*—Thomas Peach	40	0	0
„ *of Saltpetre at Woolwich.*—Edward Hubbald	60	0	0
„ *at Tilbury.*—Francis Jordan, Esq.	100	0	0
„ *at Windsor Castle.* [Name not given]	50	0	0
„ *at Portsmouth.*—Francis Felton	120	0	0
Frobusher at Portsmouth.—John Silvester	40	0	0
Storekeeper at Plymouth.—Henry Hooke	40	0	0
„ *at Hull.*—William Idle	40	0	0
„ *at Berwick.*—Thos. Greive	30	0	0
Chief Engineer.—Sir Martin Beckman	300	0	0
Second Do.— Thos. Phillips, Gent.	250	0	0
Third Do.— Jacob Richards	150	0	0
Master Gunner of England.—Capt. Richard Leake	190	0	0
Mates.—Capt. John Leake, Thos. Dodge, Thos. Silver (each 45*l.* 10*s.*)	136	10	0
Yeoman of the Tents and Toyles.—Thos. Howard	20	0	0
Chief Bombardier.—George Brown	54	15	0
12 *Bombardiers*, at 36*l.* 10*s.* each. [Names not given.]	438	0	0

* This and the four other names below printed in italics appear as Foreigners in (b^6) below.

HOUSE OF LORDS MSS.

1692.

	£	s.	d.
Chief Petardier.—John Fawcett	54	15	0
4 *Petardiers* at 36*l.* 10*s.* each. [Names not given.]	146	0	0
Chief Firemaster.—*John Symon Schlundt*	150	0	0
Mate to Ditto.—*John Henry Hopeke*	80	0	0
Gentlemen Proof-Masters.—Sir Wm. Hartupp, Edwd. Littleton (each 20*l.*)	40	0	0
Fireworkers.—Jas. English, *Jacob Blagwitz*, *John Poolman*, John Baxter (each 40*l.*)	160	0	0
Waggon-Master.—George Barnard	100	0	0
Travelling Engineers.—Richd. Wharton, Talbot Edwards (each 100*l.*)	200	0	0
Clerk of the Cheque.—Mathew Blyton	60	0	0
Purveyor of the Ordnance.—Robt. Bennett	40	0	0
Messenger.—Edward Snapes	60	0	0
60 *Gunners* at 18*l.* 5*s.* each. [Names not given.]	1095	0	0
60 *Labourers* at 26*l.* each. [Names not given.]	1560	0	0
The Right Hon. Sir Henry Goodrick, Bart	300	0	0
John Charlton, Esq., Assistant and Deputy to Lieut. of Ordnance	300	0	0
Wm. Boulter, Esq., Assistant to the Surveyor	250	0	0
Purveyor.—William Willoughby	60	0	0
Storekeeper at Pendennis.—John Thorpe	40	0	0
Gentleman of the Ordnance.—William Hubbald	40	0	0
Storekeeper at Whitehall.—Peter Guenon Beaubusson	50	0	0
„ *at Jersey.*—Charles Dumerisque	40	0	0
„ *at Guernsey.*—William Le Marchant	40	0	0
„ *at Portsmouth Garrison.*—Walter Harford	40	0	0
Frobusher at Windsor.—Edward Wise	30	0	0
Gentleman of the Ordnance.—Nicholas Whittaker	40	0	0
Frobusher at Whitehall.—William Kemp	30	0	0
Storekeeper at St. James'.—John Marley	20	0	0
Overseer at Tilbury.—Francis Newby	40	0	0
Storekeeper at Berwick.—Thomas Greive	10	0	0
„ *of Plymouth Garrison.*—Henry Hooke	40	0	0
Astronomical Observator at Greenwich.—John Flampstead	100	0	0
Storekeeper at Carlisle.—George Longstaff	30	0	0
Engineer.—George Browne	100	0	0
Fire-master for the Fireships.—James English	60	0	0
Storekeeper at Tynmouth.—Edward Sisson	20	0	0
Waterworker.—Thomas Walford	25	0	0
Keeper of the Armoury.—George Francklyn, Esq.	70	0	0
Frobusher at Chester.—John Malbon	36	8	0
Storekeeper at Clifford's Tower, York.—David Lupton	20	0	0
Labourers at Sheerness.—John Eagle and John Chambers (each 26*l.*)	52	0	0
Storekeeper at Chester.—Richard Brampton	40	0	0
„ *at Margate.*—William Cooke	20	0	0
Chirurgeon.—Thomas Scele	26	0	0
Keeper of the Beds at Portsmouth.—Edward Harman	60	0	0

	£	s.	d.
Frobusher at Plymouth.—John Norman	20	0	0
Gentleman of the Ordnance.—Edward Silvester	40	0	0
Frobusher at Hull.— Thomas Carter	36	10	9
Storekeeper at Bridlington.—Thomas Erett	20	0	0
Overseer of the Works at Hull.—Jonathan Jennings, Esq.*	45	12	6
Engineer.—Thomas Glover	100	0	0
Proof-Master at Birmingham.—Thomas Rowney	10	0	0
Clerk to the Storekeeper at Tilbury.—Thomas Hastler	20	0	0
Extraordinary Clerks, viz.:—			
1 at 54*l.* 15*s.*—James Pendlebury	54	15	0
1 at 40*l.*—Edward Silvester	40	0	0
25 at 39*l.* each.—William James, Thomas White, Sam. Pelling, James Hodder, James Browne, John Roberts, Wm. Musgrave, Cuthbert Mashiter, Thos. Clarke, John Allen, Junr., Joseph Buckmaster, Miles Criche, Junr., Richard Blake, John Burton, Mathew Purcell, Edward Deere, William Wall, Jonathan Watson, John Barker, James Lloyd, Chas. White, Christopher Lister, John Dacres, William Hubbald, John Warfeild	975	0	0

Signed as examined 30 Nov. 1692. | Thos. Littleton, Cler. Ordn.
Endorsed as delivered in this day by Mr. | Charlton. No. 1.

(b^2) List of the Officers and Ministers, &c. of the Flanders Train, according to the Muster-roll taken upon their embarkation at Greenwich, 29 March 1692, with their pay *per diem*. The List forms a total of 295 (including 58 not named) officers and men,† with daily pay amounting in all to 46*l.* 12*s.* 5*d.*, as follows:—

Colonel, at 2*l.*—*John Wynant Gore* [William Wynant Goer in (b^6)].
Comptroller, at 3*l.*—*William Meesters, Esq.*
Lieut.-Colonel, at 19*s.*—Jacob Richards.
Major, at 16*s.*—*John Symon Schlunt* [Schlundt in (b^6)].
Capt.-Lieutenant, at 11*s.*—*Albertus Brielus* [Briellus in (b^6)].
Battery-Master, at 12*s.*—*Abraham Cock.*
Assistant, at 4*s.*—*John Geensoon.*
Adjutant, at 8*s.*—*Daniel Cattin.*
Quarter-Master, at 8*s.*—*John Van Scanternell.*‡
Chaplain, at 8*s.*—N. Clark.
Auditor, at 6*s.*—N. Watkins.
Paymaster (Edward Gibbon) *and Assistant*, 12*s.*
Master Surgeon (*John De Quavere*) [Quaviere in (b^6)] *and Assistant*, 10*s.*
6 *Gentlemen of the Ordnance*, at 7*s.* 4*d.*—Obadiah Field, George Lesley, Chas. Ball, Ralph Wood, *Henry Boesom*,§ *John George Brittenstin* [Brittenstein in (b^6)].

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* This name appears in (b^2) as that of the Paymaster of the Descent train.

† The names of those who appear in (b^6) as Foreigners are distinguished here by italics.

‡ Figures under the name of Schanternell as a Fireworker at 5*s.* a day in the Flanders Train List in (b^6), his place there as Quartermaster being taken by Leonard Vanderstam.

§ Figures under the name of Boesum as a Corporal to the Master Gunner at 2*s.* 6*d.* a day in the Flanders Train List in (b^6).

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4 *Engineers*, at 10*s.*—*John Bott* [Boet in (*b*^{6})], *Isaac Cock*, *John Meauclere* [Maucleir in (*b*^{6})], Michael Richards.
Petardier, at 6*s.*—*Abraham Boutcler* [Boukler in (*b*^{6})].
4 *Firemasters*, at 5*s.*—*Hans Buttolph* [Rodolph in (*b*^{6})] *Frydah*, *John Lodowick Schlunt* [John Schlunt in (*b*^{6})], *Joachim Doeling*, Dethrick Methelthin.
Engineer, at 10*s.*—John Glover.
4 *Bombardiers*, at 2*s.* 6*d.*—*John Conradi* [Conrade in (*b*^{6})] *Doeling* and 3 not named. [But see (*b*^{6}).]
2 *Commissaries of the Stores*, at 8*s.*—*Mathew Smalbeane* [Mathias Smalbeen in (*b*^{6})], *Adrian Koen*.
2 *Clerks of the Stores*, at 4*s.*—Thos. Edwards, *Hermans de Wÿs* [Wÿse in (*b*^{6})].
Commissary of the Draft-horses, at 8*s.*—[Not named here. Mons. Chunsee in (*b*^{6}).]
19 *Conductors of the Stores*, at 3*s.*, viz.:—

Hendrick Loover [Lover in (*b*^{6})].	John Tuckfield.
Thomas Fletcher.	Jacobus MacCustion.
Peter Vandenberg.	John Slater.
Samuel States [Stass in (*b*^{6})].	*John Casare*.
John Paul Volmer.	*Bernardus Vander Veen* [Van dervein in (*b*^{6})].
Isaac Doegan.	*Lambert Westons* [Lambart Kessings in (*b*^{6})].
Conraate Van Balin [Conraett Van Baler in (*b*^{6})].	*Hendrick Covenard* [Covennort in (*b*^{6})].
Cornelius Swoarthof [Swarthof in (*b*^{6})].	*Derick Weltus* [Derrick Welters in (*b*^{6})].
Mathew Crowne.	Alexander Eustace.
Christian Brawman.	

Conductor Plummer, at 4*s.*—*John Cleene* [Cleir in (*b*^{6})].
Master Tinman, at 5*s.*—Hermens Vander Krick.
2 *Tinmen*, at 3*s.*—Joost Van Bockhoven, Cornelius Verbeck.
Captain of the Tinboats, at 6*s.* 2*d.*—*Hermans Goosen* [Goeson in (*b*^{6})].
Assistant, at 3*s.*—*John de Boom*.
2 *Corporals*, at 2*s.* 6*d.*—*Cornelius Coverson* [Goverson in (*b*^{6})], *William Thomas* [Tomesin in (*b*^{6})].
40 *Private Men*, at 2*s.*—[Not named.]
Master-Gunner, at 5*s.*—Capt. Thomas Silver.
3 *Mates*, at 3*s.*—Jonas Watson, John Hollybone, William Gunn.
2 *Corporals*, at 2*s.* 6*d.*—*Peter Van Galmuyden*,* Aran Keysea.
40 *Gunners*, at 2*s.*—Viz., 24 with English names, and the rest, all in (*b*^{6}), as follows:—

†*William Drayton*.	*John Voester*.‡
†*John Ranton*.	*John Gisbert*.
†*Henry Pillaer*.	*Roliff Van Lieuwen* [Roeleff Vanlever in (*b*^{6})].
John De Reyter [Ryiter in (*b*^{6})].	*Peter Bills*.
Ver [Peircy in (*b*^{6})] *Van Kooter*.	*Lawrance Adriens* [Lawrence Adrians in (*b*^{6})].
Hermens [Hermanns in (*b*^{6})] *Lobbeck*.	*Andrew Brant*.

* Peter Van Guilmyden appears as a Gentleman of the Ordnance at 7*s.* 4*d.* a day in the Flanders Train List in (*b*^{6}).
† These three appear in (*b*^{6}) as Gunners on the Ordnance Establishment at 18*l.* a year, and Pillaer in the Flanders Train also.
‡ Appears as John Vooster, Bombardier, at 2*s.* 6*d.* a day, in the Flanders Train List in (*b*^{6}).

John Derrick Vander Vern. *Simon Plempers* [Plemper in (b^6)].
Francis Cock.
Aron Cortleven [Arent Cortlever in (b^6)].

Serjeant of Miners, at 2*s.* 6*d.*—Peter Dulport.
9 *Miners*, at 1*s.* 6*d.*—Thos. Bonhomme, Baptist Tos, Francis Fountaine, Michael Hoopan, Joseph Viland, Robert Rubert, Alexr. Amant, Simon Matress, and one not named.
Waggon-Master, at 10*s.*—George Barnard.
2 *Assistants*, at 4*s.*—Charles Sharp, *Godfrid Franck.*
Captain of the Carpenters, at 6*s.* 3*d.*—*Jacob Jon Geneall* [Jongeneell in (b^6)].
2 *Mates*, at 3*s.*—Charles Hankinson, John Randall.
18 *Carpenters*, at 2*s.* 6*d.*—Viz., 7 not named and the following:—

Henry Lath.	*Derrick de Groot.*
Thomas Syms.	*Adolph de Haen.*
Peter Van Zutphen.	*Abraham Vanderstee.*
Gover Peters.	*Peter Van Yperen.*
Hendrick Meeres [Meyr in (b^6)].	*John Cramer.*
Jo^n Vander Vert [Ginbart Vander Voert in (b^6)].	

Master Wheelwright, at 4*s.*—Richard Huck.
6 *Wheelwrights*, at 2*s.* 6*d.*—Robt. Needham, Thos. Banman, Michael Scott, Henry Knight, Robt. Sumpler, James Bootum.
Master Smith, at 4*s.*—Moses Jecock.
4 *Smiths*, at 2*s.* 6*d.*—Edw. Pittoway, Geo. Anderson, and 2 not named.
Master Cooper, at 4*s.*—Robert Cotter.
Cooper, at 2*s.* 6*d.*—Not named.
Tentmaker, at 4*s.*—John Beardsworth.
Assistant, at 2*s.* 6*d.*—Not named.
Master Collar-Maker, at 4*s.*—Samuel Maton.
6 *Collar-Makers*, at 2*s.* 6*d.*—Henry Langley, Robt. Keesey, Edwd. Reynolds, John Dunstone, Richd. Saunden, Richd. Pheby.
Kettledrummer, at 4*s.*—Fardinango Domingo.
Coachman, at 3*s.*—John Humphreys.
80 *Matrosses*, at 1*s.* 6*d.*—[All of them, with a few possible exceptions, have English names, and none are named in (b^6).]
Provost Marshall, at 3*s.*—John Cartwright.
2 *Assistants*, at 2*s.* 6*d.*—John Hill, George Benson.

Signed as examined 30 Nov. 1692. Thos. Littleton, Cler. Ordn. *Endorsed* as delivered this day by Mr. Charlton. No. 2.

(b^3) 1 Dec. 1692. List of the Officers, Ministers and Attendants of the Descent Train, according to the Muster-Roll taken upon their embarkation at Portsmouth 23 July 1692, with their pay *per diem*. The List comprises a total of 458 officers and men,* with daily pay amounting in all to 68*l.* 14*s.* 8*d.*, as follows:—
Colonel, at 2*l.*—Sir Martin Beckman.
Comptroller, at 1*l.*—*Capt. Henry Lamerson.*
Lieut.-Colonel, at 19*s.*—George Browne.
Major, at 15*s.*—*John Henry Hopke* [Hopeke in (b^6)].
Capt.-Lieutenant, at 10*s.*—*Leonard Vanderstam.*†

* The names of those who appear in (b^6) as Foreigners are distinguished here by italics.
† Appears afterwards as Quartermaster in the Flanders Train List in (b^8).

Battery-Master, at 12*s.*—*Anthony De Young.*
Assistant, at 4*s.*—Echard Cock.
Quarter-Master, at 8*s.*—Matthew Purcell.
Chaplain, at 8*s.*—William Galloway.
Paymaster, at 8*s.*—Jonathan Jennings, Esq.
Assistant, at 4*s.*—George Spencer.
3 *Chirurgeons*, at 5*s.* 6*d.*—William Clerke, *James Benoyest* [Benoyt in (*b*[6])], Francis Tomkyes.
Assistant Do., at 3*s.*—James Bayley.
Adjutant, at 8*s.*—*Claudius Testefoyle* [Testefoile in (*b*[6])].
8 *Gentlemen of the Ordnance*, at 7*s.* 4*d.*, viz. :—

Erick Schelder [Schilder in (*b*[6])].
Thomas Dilke.
Daniel Harang [Harrangue in (*b*[6])].
Thomas Holman.
Thomas Wheeler.
Col. Wm. Legg.
Robert Gibbons.
Capt. Geo. Goodrick.

Chief Engineer, at 19*s.*—*Wolfgang William Romer* [Colonel in (*b*[6])].
11 *Engineers*, at 10*s.*, viz. :—

Theodore Du Ry [Dury in (*b*[6])].
Peter Carloss [Carles in (*b*[6])].
**Christian Lely.*
John Gobett.
Francis Cadoule.
Jean Chardellan [Chardellon in (*b*[6])]
Lewis Pettitt [Petit in (*b*[6])].
George Conrady [Conradi in (*b*[6])].
Alexr. Martinery.
‡*Eliazer Menting.*
Nicholas De Bunne [Le Burne in (*b*[6])].

2 *Petardiers* :—Capt. Wm. Wood (6*s.*); William Wood (2*s.* 6*d.*).
2 *Firemasters*, at 1*s.*—Capt. Thomas Browne, John Baxter.
17 *Fireworkers*, at 5*s.*, viz. :—

Zachariah Smith.
William Wilke.
Thomas Haydon.
Andrew Hydman [Hideman in (*b*[6])].
John Browne.
William Busfeild.
Isaac Poth.
Josias Du Faux [Far in (*b*[6])].
Joachim Miller [Muller in (*b*[6])].
Ulrick Suyck.
John Schint.
Charles Kildare.
George Warwick.
Wilk Hendrick.
John Logan.
John Winskell.
Christian Zeagart [Andrew Zeagard in (*b*[6])].

30 *Bombardiers*, viz., 11 at 2*s.* 6*d.* and 19 at 5*s.*—All but *Cornelius Ambross*, *Joseph Gover*, and perhaps Stephen Lancelas, have English names.
Waggon-Master, at 10*s.*—William Barnes.
Assistant, at 4*s.*—John Waite.
3 *Commissaries of the Stores*, at 8*s.*—Sam. Pelling, *John Silvester*, David Lewis.
2 *Clerks of the Stores*, at 4*s.*—Lawrence Hardwick, Thomas Rashell.
2 *Conductors of the Woolpacks*, at 8*s.*—*Jaques Ricautier* [Ricauter in (*b*[6])] *Paul Robert La Molin* [Le Molin in (*b*[6])].
4 *Conductors of the Horses*, at 3*s.*—Hugh Lake, John Evans, Robt. Coleburne, William Lightfoot.
Commissary of the Draught-horses, at 8*s.*—Daniel Sherrard.
Assistant, at 4*s.*—Thomas Hall.

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* Mentioned in the Ordnance Office List in (*b*[6]), and noted there as gone to the West Indies.

Purveyor, at 8*s.*—Capt. Godfrey Richards.
Assistant, at 3*s.*—William Staunus.
20 *Conductors of the Stores*, at 3*s.*—All except John Prevarino, James Beck, Peter Cauch, Charles Eman, and Evan Protheroe have clearly English names.
Captain of the Bridge-boats, at 6*s.*—*Govert Van Erpe.**
Assistant, at 3*s.*—William Bridgeman.
2 *Corporals*, at 2*s.* 6*d.*—Richard Barker, Henry Williamson.
8 *Bridgemen*, at 2*s.*—All English names but Paul Jacobs.
Master Tinman, at 5*s.*—George Fawcitt.
2 *Servants*, at 3*s.*—James Clayton, Nicholas Curtis.
Master Gunner, at 5*s.*—Thomas Martin.
3 *Mates* [Pay not stated].—Thos. Dodge, John Molledge, Abel White.
85 *Gunners*, at 2*s.*—Including *Peter Guichett.*† The rest are English names, except perhaps Henry Amore, John Handkerson, Nicholas Dory, Jasper Gaunt, and Francis Hensman.
90 *Matrosses*, at 1*s.* 6*d.*—All English names, except perhaps Claudius Rogers, William Putt, John Gaunt, John Kirke, Erasmus Peters, and Philip De Cane.
Basket-Master, at 3*s.*—Nicholas Benson.
Assistant, at 2*s.*—John Benson.
Provost Marshall, at 3*s.*—Thomas Glendall.
2 *Assistants*, at 2*s.* 6*d.*—Charles Burrowes, William Moore.
Master Carpenter, at 4*s.*—John Cooper.
21 *Carpenters*, at 2*s.* 6*d.*—All English names, except perhaps Thomas Legoe, Wm. Sarrason, Cornelius Curtis, Matthew Pybus and John Pybus.
11 *Wheelwrights*, at 2*s.* 6*d.*—All English names.
Master Smith, at 4*s.*—Christopher Dixon.
Master Wheelwright, at 4*s.*—Thomas Boreman.
7 *Smiths*, at 2*s.* 6*d.*—All English names, except perhaps Charles Javenes.
Master Farrier, at 4*s.*—Richard Marshall.
3 *Farriers*, at 3*s.*—All English names.
Master Collar-Maker, at 4*s.*—Roger Tupper.
2 *Collar-Makers*, at 2*s.* 6*d.*—Both English names.
Master Tentmaker, at 4*s.*—John Gilbert.
Assistant, at 3*s.*—Edward Lambert.
Master Cooper, at 4*s.*—William James.
Cooper, at 2*s.* 6*d.*—Henry Abbott.
9 *Serjeant-Carters*, at 2*s.*—All English names.
73 *Drivers*, at 1*s.* 6*d.*—All English names, except perhaps Sam. Hust, Manus De Vince and John Beck.

Signed as examined, 30 Nov. 1692. Tho. Littleton, Cler. Ordn. *Endorsed* as delivered in this day by Mr. Charlton. No. 3.

(b^4) 1 Dec. 1692. Proportion of Stores for the Flanders Train, pursuant to King's Warrant of 27 Feb. 1691–2. 10 Pages. Page 1 contains the said Warrant to Sir Henry Goodrick and the other Principal Officers of the Ordnance, requiring them to provide, for immediate transport to Flanders, the Brass Ordnance and Stores, &c., as mentioned in the List subjoined, and to advance out of moneys to be issued from the Treasury, the necessary sums for paying the Officers and Ministers

* Described in (b^6) as Capt. of the Tinboats, at 6*s.* 2*d.*
† Mentioned in Ordnance Office List in (b^5) as a Gunner at 18*l.* a year.

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of the Train, as set out in a List annexed (pp. 197–8). *Signed* WILLIAM, R.; Countersigned NOTTINGHAM. Then follows the List entitled "Proportion of Field Artillery for the year 1692. For Flanders," The Brass Ordnance consists of the following, mounted on travelling carriages complete :—

8 Demiculverins - with 3,200 round shot, and 160 tin cases with musket shot.

10 Sakers - - „ 4,000 Do. „ 200 Do.

*20 Three-pounders - „ 4,000 Do. „ 200 Do.

4 Eight-inch howitzers, with Necessaries as follows:—200 Bombs, 60 Carcasses, 80 Do. Cartridges, and 300 Fuzes for grenadoes.

Details are also given of spare travelling-carriages, wheels, limbers, axletrees, ladles, sponges, &c., for the above, and of a variety of other necessaries, including 600 barrels of gunpowder, 200 barrels of corn powder, 360,000 flints, 4,000 hand grenades, 2,000 match muskets, 2,000 Snaphance muskets, 40 tin-boats, 200 close and open wagons, and all the horses necessary are to come from Holland. *Signed* WILLIAM, R. *Countersigned* Tho. Littleton, C. Musgrave, Wm. Boulter, Jos. Charlton. *Endorsed* as delivered in this day by Mr. Charlton. No. 4.

(b^5) 7 Dec. 1692. Vellum-bound Book containing a State of the Ordnance, carriages, mortar-pieces, granadoe shells, shot, powder, armour and arms, and other the most principal species of stores, at the several places within mentioned. The returns relate to Berwick, Carlisle, Chatham, Chester, Guernsey, Hull, Jersey, Pendennis, Plymouth, Portsmouth, Sheerness, Tilbury, Tinmouth [? Tynemouth], the Tower, Upnor and Woolwich.

(*Ordnance and Shot*):—

	Ordnance.				Shot.	
——	Brass.	Iron, Nealed and Turned.	Iron, Rough.	Total.	Round.	Double-headed Hammer.
Cannon of 8 - -	1	—	—	—	337	—
Cannon of 7 - -	146	46	146	338	17,022	5,304
Demi-cannons -	23	22	335	380	673,431	12,550
24-pounders - -	47	36	86	169	21,352	5,859
Culverins - -	72	94	482	648	80,078	15,545
12-pounders - -	57	26	226	309	60,553	7,144
Demi-culverins -	83	153	670	906	137,950	14,088
8-pounders - -	3	—	134	137	25,007	—
6-pounders - -	26	64	203	293	14,077	—
Sakers - - -	60	29	217	306	87,649	—
Mynions - -	8	—	163	171	40,570	—
3-pounders - -	30	18	88	136	25,929	—
Falcons - - -	13	—	59	72	53,367	—
Falconets - -	32	—	17	49	58,784	—
Robinets - -	5	—	—	5	26,274	—
Cashees - - -	2	—	—	2	—	—

Tin-cases filled with musket shot for—

24-pounders - -	170	Sakers - - -	6,699
Culverins - -	443	Mynions - -	668
12-pounders - -	175	3-pounders - -	521
Demi-Culverins - -	8,690		

* This corrects the "23 pounders" in *Luttrell*, 1 March 1692.

Similar details follow as to travelling, standing, and ship carriages and also ladles, sponges and cases of wood for the Ordnance.

(*Mortar-pieces and shells, &c.*) :—

Mortar-pieces 18½ to 4½, Details showing total of - - 61.
„ 18½ to 8¾, Carcasses of hammered iron for, - 870.
„ 18 to 4, Granadoe Shells for, - - - 28,937.

Besides 109,717 hand-grenadoes.

(*Powder, &c.*) :—

Corn-powder, 27,001 barrels, 46 lbs.
Match, 90 tons 4 cwts. 3 qrs. 20 lbs.

(*Shot for Muskets, &c.*) :—

For Muskets 96 tons 13 cwt. 2 qrs. 22½ lbs.
„ Carbines 27 „ 18 „ 2 „ 0 „
„ Pistols 35 „ 12 „ 2 „ 9 „
Sheet lead 27 „ 7 „ 3 „ 12 „

(*Arms*) :—

18,317 Pikes (Long, ¾ and Short); 746 Bills, 2,331 Hatchets, 4,867 swords, 3,195 hangers.
Muskets, viz., 4,515 Matchlocks, 20,068 Snaphances, besides 10,233 Bandoleers and 8,724 Cartouch-boxes.
Bayonets, 6,808; Belts, 14,245, Frogs, 15,614.
Carbines, 5,992; Belts, 3,575, Swivels, 3,601.
Pistols, 2,339 ½ pairs; Holsters, 4,534 pairs.
Musketoons, 1,040.
Blunderbusses, 311.
Flints, 340,760.

(*Defensive Armour*) :—Ordinary, Musket-proof, Carbine-proof, Pistol-proof, &c. Various details.

(*Principal Stores*) :—Details as to Crows of Iron, Tackle hooks, Linch-pins, &c., too unimportant to enumerate.

Dated Office of Ordnance, 7 Dec. 1692. *Endorsed* as brought in by the Officers of the Ordnance this day.

(b^6) 7 Dec. 1692. List of all such Foreign Officers, Ministers, and Attendants as are now upon (i) the Establishment of the Office of Ordnance in the Tower, and (ii) the Field-Train now in Flanders, as also (iii) of those that were employed in the Descent-Train, broken 31 Oct. 1692, with their respective pays. The three Columns are thus composed :—

i. (Ordnance Establishment). Contains 11 names, all marked by italics in previous Lists, viz. : 5 in the Ordnance Office List in (b^1), 3 in the Flanders Train List in (b^2), and 3 in the Descent Train List in (b^3). *See* Notes to those Lists.

ii. (Flanders Train). Contains the 66 names marked by italics in the Flanders Train List in (b^2), with some variations in spelling there noted, besides the Master-Surgeon's Assistant (unnamed both in (b^2) and here), and also the 46 following :—

Quarter-Master, at 8*s.* a day.—Leonard Vanderstam. [See also (b^3) and note.]
Gentleman of the Ordnance, at 7*s.* 4*d.* a day.—Peter Van Guilmyden. [See also (b^2) and note.]
Fireworkers, at 5*s.* a day.—John Albreet Chards, Albert Borgarett, Hendrick Frost, David Sundt, Clajus Hanleck, John Grubiere.
Bombardiers, at 2*s.* 6*d.* a day.—John Speiker, Voest Romer.
Conductors of the Stores, at 3*s.* a day.—Gereatrick Johnson, Jacobus Van Harwarden, Wessell Allart.
Lieutenant of Tinboats, at 4*s.* a day.—William Van Erp.
Corporal of the Tinboats, at 2*s.* 6*d.* a day.—Seveing Cornellus.

20 *Private-men for Ditto*, at 2*s.* a day. [Not named.]
Carpenters, at 2*s.* 6*d.* a day.—Harman De Jager, William Somins, John Claterenboss, Cornelius Van Loverden, Hendrick Splinter, John Van Room, John Van Cleft.
Commissary of the Draught-horses, at 8*s.* a day.—Mons. Chunssee.
Gunners, at 2*s.* a day.—Rament Preduay, Gisbert Van Doren, Jacob Smith.

iii. (Descent Train). Contains 35 names, viz.: Isaac François, Engineer (not in (b^3)), and all the names marked by italics in (b^3) except Christianus Lely and Eleazer Menting, who are noted here as gone to the West Indies.

Dated Ordnance Office, 7 Dec. 1692. *Signed* as examined 6 Dec. Tho. Littleton, Cler. Ordn. *Endorsed* as brought in this day.

(*c*) Letter from Sir Joseph Williamson to M. Halifax. Has received their Lordships' order of yesterday for sending to the House the regulations for posting and ordering the troops and officers that were in the Low Countries in 1677 or 1678. Remembers there were some points settled in those years, relating to something of the kind; but the entry-books of those years were left by him to his successor in the office, when giving up the seals to the King in 1678–9, and were not since brought into the office of Papers of State. Beseeches his Lordship to return this for him, in obedience to their Lordships' commands. *Dated* Jermyn Street, 30 Nov. 1692.

PART II. (NAVAL MISCARRIAGES).

(*a*) 2 Dec. 1692. Account of the Orders given to the Commissioners of Transportation, relating to the providing transport ships for the Descent, and when ready (10 pages). This Account, being a Return to an Order of 29 Nov., begins by reciting the receipt on 5 March of an Order from E. Nottingham, to provide (1) Shipping for 3,500 men and 380 horses, to be at Kinsale at the end of March, and (2) Shipping for 4,000 men and 1,500 horses, to be ready in the Thames by the end of April. (*See* C. J., X. 715, No. I.)

Part I. of this Account, which concludes by stating that the Order of 5 March concerning ships in the Bristol Channel was performed, recites in proof of that statement, various Orders, &c., the substance of which is as follows :—

March 28. E. Nottingham informed that ships are ready at Bristol and Bideford. Order from him to embark them on 15 April. (C. J., X. 715, Nos. II. and III.)*

April 1. Said ships demand convoy (*Ib.* 715, No. IV.)—Requested Admiralty to provide one. (*Ib.* 715, No. V.)

April 7. E. Nottingham writes that the *Richmond* is appointed. (*Ib.* 715, No. VI.)

April 15. Order from Council to send shipping to Cork for 250 horses. (*Ib.* 715, No. X.)

April 16. Advice from Bristol that the owners of the 3 provision ships for Ireland could not get seamen, owing to reports from the Downs of impressments. (*Ib.* 715, No. XI.) — Six transports sailed from Bideford to Milford without convoy, to join the *Richmond*. (*Ib.* 715, No. XII.)

* The references to the Commons' Journal indicate the portions set out in the Report of the Commons' Committee.

April 20. Queen's Order, per E. Nottingham, that the ships should sail to Waterford, instead of Cork, and then return to Bristol. (*Ib.* 715, No. XIV.)—Notice to correspondents to prevail upon the transport masters to sail to Waterford without convoy, their Majesties insuring their ships against the enemy. (*Ib.* 715, No. XV.)

April 26. The rest of the ships from Bideford, and the 3 provision ships from Bristol, sailed to Waterford without convoy. (*Ib.* 716, No. XVI.)

May 23. 52 transports, with 5 regiments of foot, &c., arrived from Ireland at Bristol. (*Ib.* 716, No. XIX.)

*May 26. Informed correspondent at Bristol that all the transports with troops, &c., from Ireland, were to come round to Portsmouth, (*Ib.* 716, No. XX.), and prayed the Admiralty to appoint a convoy. (*Ib.* 716, No. XXI.)—The Admiralty replied that they had directed Admiral Russell to send a convoy to Bristol, which orders were likewise sent to the *Dolphin* in Kingroad, the *Richmond* being otherwise disposed of.

June 8. Their Bristol correspondent desired them to represent the smallness of the *Dolphin*, as a convoy for so many ships, she having but 26 guns and 100 men, and the coast being grown very dangerous by French and Irish privateers.

June 10. Express from same, that the transport masters of Bideford would all return home; that they demanded a stronger convoy, to tarry for it at Milford, not to have their men pressed, and to have the Admiralty's protection for every ship, and had signed a Petition to that effect to the Admiralty.

June 11. Wrote to correspondents at Bristol and Bideford to inform the transport masters that they should have a stronger convoy at Milford and a month's pay, as soon as they came to Portsmouth, and that their men should not be pressed there, desiring them to persuade them to sail to Milford, otherwise to protest against them for all damages to the service.

June 13. Advice from Bristol correspondent, that 15 of the transports were got into Kingroad, and hoped the rest would be there the next day, being satisfied with the above letter.

June 24. Express from Milford correspondent of the 22nd, giving account of the insolence of the privateers on that coast, and that the transport masters refused to come about land without a stronger convoy. Laid same before the Admiralty.

July 9. Advice from Capt. Atkinson that the Bideford ships and artillery ships arrived from Milford the day before (C. J., X. 716), but that the artillery ships, which were taken up by the Ordnance Officers in Ireland, were in extreme want of all things necessary for them to proceed on their voyage, which he had directed them to take up there, and intended to draw upon the Transport Commissioners for the money, which they promised him to pay, that the service might not stop, though they were not under their care or cognizance, being in contract with the Ordnance officers.

Part II., which begins at this point, states that the second part of the Order of 5 March, relating to shipping in the Thames, was complied with as follows:—

Directions sent, on receipt of said Order, to Ostend, for the ships which had carried thither the 4,500 Danes from Ireland to come to the

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* *See* also, from this date, under Head X. (TRANSPORTS FOR DESCENT) in Papers (*b*) to (*k*), Part II., below.

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Downs to ship 4,000 foot from the Thames. (C. J., X. 715, No. V.) They arrived there 3 April, when most of their seamen were pressed from them, and the ships in great danger to be lost for want of hands. Meanwhile, the Commissioners proceeded to hire ships for the 1,500 men mentioned in the first Order, and had taken up 2,170 tons of shipping for that purpose. (*Ib.* 715, No. IV.)

April 12. Order from E. Nottingham to provide shipping for the Ordnance Officers and Victuallers of the Navy. (*Ib.* 716, No. IX.)

April 25. E. Nottingham let them know that the draught of water for the transports in the Thames was not to exceed 12 ft., that they might take the ground, if occasion should be, but the ships to be of as big burden as possible. The Commissioners had then taken up upwards of 6,000 tons of shipping to carry horse, &c., besides the said ships from Ostend.

May 23. Order from E. Nottingham to direct the masters of the ships, that brought 3 regiments of foot from Leith, to land their men at Gravesend, and after taking in provisions for the like number, to fall down with all speed to the buoy of the Nore, and sail from thence to Holland under convoy, which they did.

June 3. Order from E. Nottingham to hasten transports to Portsmouth, and ascertain from Ordnance Officers and Navy Victuallers when their stores would be on board. (*Ib.* 716, No. XXII.)

June 4. Ordnance officers replied that they could not prefix a time, till they were furnished with 3 ships more, which was done the same day. Victuallers replied that their ships might be laden in a week, if want of money did not hinder, but that the masters of the vessels already laden refused to sign their bills of lading, till they had received a month's pay in hand, as promised. (*Ib.* 716, Nos. XXIII.–XXVI.)

June 11. Queen's Order, per E. Nottingham, to send all the transports in the Thames for Portsmouth to the Hope. Orders sent accordingly, but transport masters alleged they could not sail for want of seamen, who had been prest, and others were not to be got at any rates, for want of their month's freight, which ought to be advanced them by their contracts, before they sailed. (*Ib.* 716, No. XXVIII.)

June 15. Order from E. Nottingham to stop the Scotch ships coming from Williamstadt at the Nore, and contract with them to serve by the month, if they should be ordered to Portsmouth; that the ships should be ordered to fall down, and an account brought every time that they did so.

June 18. Informed E. Nottingham that the ships had been sent to the Hope. (*Ib.* 716, No. XXXIV.)

June 22. Queen's Order, per E. Nottingham, to recall from the Hope to Deptford enough ships to embark there L. Galway's and Col. Langston's regiments of horse for Holland, and to send the other transports to Portsmouth, to sail as soon as convoys were ready. (*Ib.* 716, No. XXXV.)

June 25. Queen's Order, per E. Nottingham, for one of the Commissioners to go down with the transports and shallops as far as the Nore, and take care that no time should be lost in their sailing thither.

June 28. The shallops or well-boats sailed from Deptford, and the same day Capt. Nicholls went to Gravesend to hasten them away.

June 29. Letter from Capt. Nicholls advising the Commissioners to let the Admiralty know, that no man-of-war at Sheerness or the Nore was ordered to take charge of the transports and boats, and that if the convoys had been ready, they might have got over the flats that day or

the next and have had a quick and smooth passage to Portsmouth. (*Ib.* 716–17, No. XXXIX.)

Dated Transport office, 1 Dec. 1692. *Signed* Samuel Atkinson, Robert Henley, John Ellis.

July 7. Letter from Capt. Nicholls, whom E. Nottingham had ordered to see the transport fleet and well-boats to the Downs, dated Deal, the 5th, that some of the transports were got into the Downs, but that the *London Merchant*, their convoy, sailed so heavily, she could get no further than the buoy of the Red Sand; that the *Reserve* frigate, he was told, was ordered to join the *London Merchant*, in case the *Breda* could not reach the Downs in time to convoy the ships to Portsmouth; but that he thought there ought to be added to them two fifth or sixth rates, that were clean and sailed well, because if any French men-of-war or privateers should see so great a fleet of small ships, they might pick out some of them and carry them away; which Letter the Commissioners laid before the Admiralty.

July 9. Advice from Capt. Atkinson, at Portsmouth, that the Bideford and artillery ships arrived from Milford the day before. (*Ib.* 716.)

July 10. The transports and well-boats sailed from the Downs towards Portsmouth. (*Ib.* 717, No. XLV.)

July 10. Advice from Capt. Atkinson at Portsmouth, that several of the ships come from Ireland with artillery were in great want of sails, anchors and cables, and could not proceed without them.

July 16. List sent by Ordnance Officers of 13 ships, taken up by their Officers in Ireland, then at Portsmouth, that were in great want of money to furnish them with necessaries, which the Commissioners were desired to supply them with.

July 18. All the transports arrived from the Downs at Portsmouth. (*Ib.* 717.)

July 20. Advice from Capt. Atkinson at Portsmouth that he had ordered the said artillery ships to take up what they wanted for their repairs, and intended to draw on the Commissioners for the money, which they promised to pay, that no time might be lost.

July 22. The Foot began to be shipped at Portsmouth, and were all shipped the next day, but, the wind being contrary, the Horse were not shipped till the 25th, and D. Leinster embarked that night on board the *Breda*.

Dated Transport Office, 2nd Dec. 1692.* *Signed* as above.

Endorsed as brought in this day.

(*b* to *k*). 3 Dec. 1692. Papers (9) brought in from the Lords of the Admiralty this day, viz.:—

Copies of Admiralty Orders, as follows:—

(*b*) Orders (14) to Carter and others, April 2 to 21.
(*c*) „ (2) to Russell and Carter, April 22, 23.
(*d*) „ (2) to Russell and Delavall, April 24, 26.
(*e*) „ (23) to various persons, April 27 to June 3.
(*f*) „ (20) to ditto, June 6 to July 22.
(*g*) „ (3) to ditto, July 24, 27.

Copies of Letters from Admiral Russell to Admiralty, as follows:—

(*h*) Letters (21) from May 5 to June 9. Book *noted* No. 3.
(*i*) „ (10) from July 24 to Aug. 14. ditto No. 5.
(*k*) „ (6) from Aug. 17 to 28. ditto No. 6.

* A duplicate of the above Paper, but dated 16 Nov. 1692, appears to be among the Treasury Papers. *See* Calendar of Treasury Papers, Vol. I., p. 265, where the first entry only is given.

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The above 9 Papers being very voluminous, a Digest of them is subjoined, with a view to brevity and convenience, under the following Heads:—

I. MAIN FLEET (COMPOSITION AND CONDITION).
II. MAIN FLEET (MOVEMENTS).
III. PARTICULAR SERVICES.
IV. MANNING THE FLEET.
V. VICTUALLING.
VI. PAYMENT OF SEAMEN.
VII. ADDRESS OF LOYALTY.
VIII. OFFENCES; COURTS MARTIAL.
IX. APPOINTMENTS AND PROMOTIONS.
X. TRANSPORTS, ETC. FOR DESCENT.
XI. MISCELLANEOUS.

(I) MAIN FLEET (COMPOSITION AND CONDITION).

(*Strength as first appointed*):—

April 22 (*c*). *Admiralty to Russell.* Enclose List, arranged according to rates, of 90 "Ships for the Main Fleet," appointed this day to be under his command. The ships are those included in the Line-of-Battle of May 14 (*see* Tables on pp. 227–9), omitting the *Rupert* (3rd rate), the *Crown, Advice, Ruby, St. Albans* and *Tiger* Prize (4th rates), the *Adventure* (5th rate), and the *Half-Moon, Cadiz Merchant, Thomas and Elizabeth* and *Hawk* (Fireships), but adding the following:—

5th rates.	6th rates.	Hospital Ships.
Portsmouth.	*Sandadoes.*	*London Merchant.*
Charles, galley.	*Greyhound.*	*Bristol.*
James, galley.	*Lark.*	*Society.*
Sheerness.	*Salamander*, bomb-vessel.	*Concord.*
	Fubbs, yacht.	

Line of Battle (English):—

May 5 (*h*). *Russell to Admiralty.* Encloses Line-of-Battle, according to List received, and has marked such ships as are not with him, or not in a condition to sail. [This List is headed "The Line-of-Battle, the English to lead with the Larboard, and the Dutch with their Starboard tacks on board," and consists of seven columns, giving (1) Fireships and Small Frigates, (2) Rates, (3) Ships, (4) Men [*i.e.* Complements], (5) Guns, (6) Division, (7) Squadron. The 85 ships in this List, which are arranged in Divisions of Squadrons, are the same as those given in the Line-of-Battle of 14 May (*see* Tables on pp. 227–9), except that there are blanks for the names and complements of two 50 gun 4th rates in each of the two Divisions of the Vice Admiral and the Admiral of the Blue, instead of the *Chatham* and *Advice* in the former Division and the *Adventure* in the latter; that the *Crown* and *Tiger* Prize (4th rates) and the *Hawk* Fireship are omitted in the Division of the Rear Admiral of the Blue; and that the *Chatham* (4th rate) appears in the Division of the Rear Admiral of the Red instead of the *Ruby* and *St. Albans* (4th rates). The *Monck, Plymouth, Chatham, Cornwall, Breda*, and *Devonshire* are noted "Not here," the complements of the last three being left blank, and the *Royal Oak* and *York* are noted "At Sheerness; wants men." The Rates, Complements and Guns will be found in the Table referred to above. As regards the fireships, the complements and guns are not stated.]

(*Ships added*) :—

May 7 (*e*). *Admiralty to Russell.* It being thought fit to strengthen his Fleet, until the ships mentioned in his Instructions, which are not yet ready, and the remainder of the Dutch men-of-war, which are not yet arrived, shall join him, he is to take 13 ships and 4 fireships under his command, on meeting with them, until further orders, and when sailing westward, to leave orders in the Downs for such of the ships, not with him, as shall come thither, to follow him to such place as he shall think fit, signifying to their Commanders to which Division he shall appoint them.*

The ships, &c. are as follows :—

3rd rate.—*Rupert.*

4th rates.—*Crown, St. Albans, Advice, Tiger* prize, *Ruby* and *Dragon.*

5th rates.—*Falcon, Adventure,*† *Mary* galley, *Charles* galley, *Virgin* prize and *Milford.*

Fireships.—*Thomas and Elizabeth, Cadiz Merchant, Half-Moon* and *Hawk.*

[The *Charles* galley has appeared already in the List of April 22, and the *Rupert, Thomas and Elizabeth, Cadiz Merchant,* and *Half-Moon* in the Line-of-Battle of May 5.]

(*Ships left behind*) :—

May 7 (*h*). *Russell to Admiralty.* . . . The *Oak, York*‡ and 2 fireships are left behind.

(*Repairs : Royal Charles and Royal William*) :—

May 9 (*h*). *Russell to Admiralty.* . . . "Unless care be taken to make the *Royal Charles* broader in her rebuilding than she was with her late girdling, she will be spoiled, or, as I fear the *Royal William* must be served, when she returns, viz. girdled, which may be prevented, if timely taken care of" . . .

(*Hospital Ships*) :—

Russell to Admiralty, viz. :—

May 9 (*h*). "We have not any of the hospital ships with us."——May 15 (*h*). "Here is but one hospital ship, and the Commander tells me they have neither beds nor surgeon's chest, so that she is of no use, and those are ships highly necessary."——May 17 (*h*). Must again ask that the hospital ships may be hastened. In many respects they will be wanting, as after a battle, to receive the sick, &c., who, if kept on board the Fleet, may bring the plague. The Mayor of Portsmouth was with him this morning on behalf of that town and Gosport, which places are so badly off for sick quarters, that the people are no longer able, though willing, to receive the men put on shore. They bring such who live on credit for necessaries to supply those poor men when sent ashore, and their wants are so great, that they could hardly be prevailed with to receive the few now sent, fearing that the Christmas quarter in 1690, due to them, is postponed, because later quarters have been discharged, and that left unpaid. Some money and some assurance of more in a reasonable time may put life to a piece of service so necessary as this appears to be.§ [*See* also under VICTUALLING.]

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* Admiral Russell writes on May 13 (*h*) :—"I have given the necessary directions to the Flag-Officers about settling their divisions."

† The *Adventure* is classed as a fourth-rate in the List in Somers' Tracts.

‡ The *Royal Oak* and *York* both appear in the Line-of-Battle of May 14, but without any men "actually on board."

§ *See also* Calendar of Treasury Papers, Vol. I., p. 239, under date 27 May, 1692.

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Line-of-Battle (*Dutch*) :—

Russell to Admiralty, viz.:—

May 7 (*h*). Off the Kentish Knock. . . . Does not yet know what number the Dutch squadron consists of. . . .

May 9 (*h*). Encloses Dutch Line-of-Battle, distinguishing those (*a*) which are with the Fleet, and those (*b*) which Admiral Almonde does not expect in less than three weeks. The List, consisting of 36 ships, 2 frigates, and 6 fireships, agrees in all respects with that in Somers' Tracts (XI. pp. 460–1), except in naming one of the fireships *d' 6 Gebroders* instead of *d'Gebroaders*, and in describing the *Vellu'w* as a 3rd rate, instead of a 5th rate. The names marked (*a*) are the 8 frigates and fireships and the following 16 ships, viz. :—

Noorth-Hollandt.	*t' Stot Muÿden.*	*Princes.*
Tergoes.	*Prins.*	*Amsterdam.*
Vere.	*Etswont.*	*Vellu'w.*
Eerste Edele.	*Schattershouff.*	*Captain Generall.*
Brandenborgh.	*Leÿden.*	*De 7 Provintien.*
Zeelandt, A.		

Those marked (*b*) are the *Gelderlandt, A; Haarlem; Ripperda* and *Beschermer*. The remaining 16 are not marked.

Line-of-Battle (*English*) :—

May 15 (*h*). Encloses State of the Fleet, as regards men and provisions,* dated St. Helens May 14. [The List, arranged as a Line-of-Battle, and consisting of 64 ships † and 24 fireships, is identical with that in Somers' Tracts (XI. p. 459), except in adding the *Tiger* prize and the *Hawk* fireship to the Rear-Admiral of the Blue's Division.‡ It is made up of 77 of the 90 ships appointed on April 22 (excluding the 13 fifth and sixth rates and hospital ships), together with the *Monk* and 11 out of the 17 ships and fireships added on May 7 (excluding the *Dragon* fourth-rate, and all the fifth-rates except the *Adventure*).]

Line-of-Battle (*English and Dutch*) :—

May 15 (*h*). . . . "The Dutch that are now with me are 22 in number, which is all we expect in any time, so that with those of our own, we make up 79 sail."

— (*Fifth-rates detached*) :—

May 15 (*h*). "Your Order of 11 May § to send into the Downs what small frigates I can spare from the Fleet shall be obeyed, which will be the *Charles* galley, *Virgin* prize and (if I can spare her) the *Falcon*, though I am very unwilling to send any ship from the Fleet above 40 guns. The *Mary* galley and *Milford* I keep, in the room of the *James* galley and *Sheerness*."

(*Reinforcements after Battle*) :—

May 21 (*e*). *Admiralty to Capt Hughes*, of the *Pearl*, Falmouth. To sail at once with his ship which came from Bilboa, and the Dutch ships (if ordered to go with him) and join Admiral Russell, now in pursuit of the French, according to such intelligence as he shall receive of his movements, taking care not to be intercepted by the enemy.——May 23 (*e*). To take out of the merchant-ships from Bilboa, before sailing, such men as are not necessary for their security, and send an account on joining the Fleet.

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* *See* under MANNING THE FLEET and VICTUALLING.

† Nine of these, viz., the *Cornwall, Devonshire, Breda, York, Plymouth, Monck* and *Royal Oak* (3rd rates), and the *Chatham* and *St. Albans* (4th rates), leave blanks in the column of "men actually on board."

‡ The *Advice* in the Rear-Admiral of the Blue's Division is given here twice.

§ Not among the Papers.

May 23 (*e*). *Admiralty Orders* (2), to the Commissioners of the Navy at Portsmouth (Thos. Wilshaw) and Plymouth (Henry Greenhill). To order any ships that shall come to those ports, except the *Samuel and Henry* * and *Germoon* prize at Plymouth, to join with all possible despatch the Fleet, which was in pursuit of the French on the 21st off Cape La Hogue, and advise any Dutch men-of-war to do the same.

(*Refitting Fleet*):—

May 23 (*h*). *Russell to Admiralty*. . . Designs for St. Helens, though, in consideration that many great anchors, cables and masts will be wanting, he believes in the Downs they may be supplied soonest, but he leaves that to their better judgment, desiring them to give order as soon as possible for their being got in readiness against the ships come in. . . .——May 25 (*h*). . . Doubts not that the great masts, anchors and cables, wanting for the ships on their coming into port, will be ordered to be got ready as soon as possible. Such ships as cannot be supplied at Portsmouth, will have to be ordered forthwith up the River.——June 4 (*h*). . . Will ascertain from the Commanders of the ships that cut and left their anchors behind them on the French coast, when pursuing the enemy, how the land bore of them when they cut, and what else is material for finding the anchors, but thinks it will be very difficult to recover them, owing to the great depth of the water, and the strength of the tides.

May 27 (*h*). "Mr. Dummer is upon surveying the ships. Several of them, I fear, must have their masts shifted, as the *Royal William*. If you approve of it, her guns and men may be put into the ship at Portsmouth designed to be launched tomorrow, they tell me, and Shovell † go in her; if not that, I must make room for him and his Captain in some other ship. I should be very unwilling to leave either of them behind. . . I design to send two 4th-rates to clean at Portsmouth, and I hope you have ordered some of the Bilboa convoy to clean there."

May 27. *Russell to Admiralty* (*h*). Has ordered the *Deptford* this afternoon to Plymouth, to clean and refit.

June 2 (*h*). St. Helens. Has ordered the *Deptford* and *Portsmouth* to Plymouth, to be refitted, but with the winds they have had, they can hardly yet have got westward of Portland. . . . All things are putting in the greatest forwardness for refitting the Fleet, as soon as the weather will permit the doing it. Thinks the Fleet's being here is not the least part of the good fortune they have had this campaign, considering the badness of the weather, which is almost equal to any he has known in winter, and the damage several of them have received in their masts, &c., which would have exposed them to no small hazard.

June 4 (*h*). Spithead. Went off to the Fleet early yesterday, the weather being somewhat better, and brought this morning such ships from St. Helens hither to Spithead, as want most repair. Could do nothing to them before today, owing to the bad weather, and fears they will meet with further interruption, as the wind is changed to E., and begins to blow. But nothing shall be wanting towards putting the Fleet into the speediest and best condition for the sea that may be, though he believes he will be forced to leave several of the ships behind,

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* The *Samuel and Henry* sailed as a convoy to New England on June 7. (*London Gazette*, No. 2774.)

† Russell writes, on June 1 (*h*): — "You are misinformed touching Sir Cloudesley Shovell, for I saw him last night, and he is in a fair way of doing well in a short time." He had been "slightly wounded in the thigh with a splinter." (*Luttrell*, May 28.)

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which were most damaged in the engagement, owing to the great scarcity here of masts, yards, anchors, &c. . . . Has sent a 4th rate and some smaller ships to Plymouth, to be cleaned and refitted.

June 5 (*h*). Spithead. . . . The new ship at Portsmouth was launched last Friday.* Desires to know if she may be fitted out here in place of the *Royal William*, whose guns are very little heavier than those designed for the new ship. Designs to leave the *St. Andrew* to be refitted here, and turn over most of her men to other ships that want them most.——June 6 (*f*). *Admiralty to Russell.* To send the *Royal William* and *St. Andrew* from St. Helen's to Chatham, leaving enough men on board to bring them about, and transferring the rest and such guns as he shall think fit, to the *Devonshire* and *Cornwall*.—— June 9 (*h*). *Russell to Admiralty.* Will send about the *Royal William* as soon as the weather allows her guns to be taken out. Designs to put her middle tier of guns into the *Cornwall*.

(*Small ships ordered to Downs*) :—

June 1 (*h*). *Russell to Admiralty.* . . . Will send what small ships can be spared to the Downs, to await the Board's orders, as soon as he can regulate the Fleet and judge of its strength. . . .—— June 4 (*h*). Cannot yet comply with Order, for though there are several 4th rates here at Spithead, many of the ships designed for the Fleet are either not arrived, or will be unfit for sea, among which are the *Cornwall* and the other new ship at Bussleton,† the former having very few men and none of her guns yet come from the River, and the other in even a much worse condition.

(*Fireships*) :—

June 2 (*h*). *Russell to Admiralty.* In reply to their Letter of yesterday,‡ enquiring whether there are any ships, lately taken by the Fleet, that are fit to be made fireships, there is only one fit for that purpose,—a fireship taken by Sir John Ashby. Believes they will be able to fit her here, at Portsmouth, and even if they had more vessels in the Fleet that might be made fireships, they could be of little use this summer, considering the time it would take to send them to be fitted to the Medway, as proposed. Hopes those they have already will suffice for what is wanted this campaign. . . . Sends a list of fireships lost, but has not yet had time to enquire how, viz. :—

Half-Moon, Capt. Napp [Knapp].	*Fox*, Capt. Killingworth.
Cadiz Merchant, Capt. Winn.	*Hopewell*, Capt. Jumper.
Blaze, Capt. Heath.	*Extravagant*, Capt. Emms.
Thomas and Elizabeth, Capt. Littleton.	*Wolf*, Capt. Greenway.
	Hound, Capt. Foules.

June 4 (*h*). In addition to the one fireship taken from the enemy, as he reported, a vessel is since come in with the Bilboa convoy, which they had converted into a fireship after taking her, but she wants many things to make her completely serviceable. Cannot hear of anybody belonging to the Ordnance Office here at Spithead, that knows anything of the matter, but hopes to do it without their assistance. Cannot but think it more than necessary at this time that the most experienced men in that Office should be here, but, in saying this, he has no reason to complain of the diligence of the Officer that attends here. P.S. Has ordered the *Pearl* up to Longreach to receive their commands; she is

* The *Russell*, of 80 guns. (*London Gazette*, No. 2772.)

† The *Cornwall* was launched at Southampton and the *Devonshire* at Bussleton, near Southampton, in April. (*London Gazette*, No. 2761.)

‡ Not among the Papers.

in such a bad condition, that he believes she will hardly ever be fitted again as a man-of-war, but possibly she may make a tolerable fireship.

June 9 (*k*). When stating that he hoped he had fireships enough for service this summer, he did not imagine their Lordships would therefore stop fitting out the *Charles* and *Cygnet*, for which they desired him to recommend Commanders (*see* IX., APPOINTMENTS AND PROMOTIONS). A greater number than he has might well be dispensed with, but as for those which their Lordships told him they were taking up in the River, he still thinks that they cannot be fitted and join the Fleet before it will be time to have thoughts of coming in; but no doubt they will direct a sufficient number to be provided for next year's service.

(*Ships left at St. Helens*):—

June 16 (*f*). *Admiralty to Commander-in-Chief at St. Helens or Spithead.* To send the names of such ships of the Fleet as were left behind by Russell when sailing from St. Helens, and what orders he left for them. [Russell left St. Helens with the Fleet on the 14th. *London Gazette*, No. 2775.]

(*Survey of Third-rates*):—

Aug. 6 (*i*). *Russell to Admiralty.* St. Helens. Encloses, for information of Navy Board, a survey of the 3rd rates in the Fleet, except the *Mountague* and *York*, which were away when it was taken.—The survey is dated July, that of the Red Squadron being taken by the Master Carpenters of the *Britannia*, *Royal Sovereign* and *Duke*, and that of the Blue Squadron by the Master Carpenters of the *Victory*, *Neptune* and *Duchess*. Details are given of various defects in the following ships:—

Red Squadron:—

Lion.	*Kent.*	*Essex.*
Resolution.	*Swiftsure.*	*Hope.*
Eagle.	*Elizabeth.*	*Cambridge.*
Hampton Court.	*Burford.*	*Grafton.*
Monk.	*Captain.*	*Cornwall.*

Blue Squadron:—

Berwick.	*Edgar.*	*Northumberland.*
Defiance.	*Suffolk.*	*Stirling Castle.*
Warspite.	*Restoration.*	*Dreadnought.*
Monmouth.	*Expedition.*	*Royal Oak.*

Aug 17 (*k*). Encloses Survey of the *Lenox* and *York*, which were not with the Fleet when the other surveys were taken.—The Survey, which is taken pursuant to an Order from Admiral Russell of 14 July for surveying the 3rd rates of the Red Squadron, is signed by Augustin Robinson and Jos. Allin, and dated 16 Aug.

(*Repairs: particular Ships*):—

Russell to Admiralty, as follows:—

Plymouth:—Aug 6 (*i*). May be careened, if not wanted, at Plymouth, and cruise till foul, and then be docked, she complaining of being iron-sick.——Aug. 14 (*i*). Understands she is ordered to be cleaned at Plymouth. He himself proposed it, but he fears she is too sharp a ship to take the ground, and he knows she is very hard to careen, besides very tender-sided, not having had a good repair this war. But he has asked the Commissioner at Plymouth to give his opinion, after consulting the builder.——Aug. 23 (*k*). As to cleaning her, the Commissioner advises to the contrary, so he shall have her cleaned here at St. Helens, as soon as the hurry of work is a little off their hands. To send more ships in would rather hinder than forward the service.

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Crown:—Aug. 6 (*i*). Would do well in the Soundings, when clean.

Adventure and *Sandadoes*:—Aug. 14 (*i*). Hopes to clean them at Portsmouth this spring, notwithstanding the great works they have in hand.——Aug. 21 (*k*). They are ready to sail.

Dreadnought:—Aug. 21 (*k*). Has sent her, as ordered, into Portsmouth harbour.

Devonshire:—Aug. 23 (*k*). Still thinks, as he wrote to E. Nottingham, who mentioned her in a letter to him, that she is unfit for service, and doubts whether she can ever be made a good man-of-war. This, he supposes, has already been laid before the Board.

(*Damages from Storm*):—

Aug. 13 (*i*). *Russell to Admiralty*. . . . Does not hear of any mischief to the Fleet, except that the *Adventure*, which lay just by him, had her mainmast and topmast shattered to pieces.*——Aug. 14 (*i*). Finds that the masts of the *Owner's Love* and *Vulture*, fireships, had been damaged by the lightning, but not beyond easy repair.

(*Line-of-Battle*):—

Aug. 13 (*i*). Encloses Line-of-Battle, showing how the Fleet will be composed, since detaching the 10 ships under Capt. Robinson. [*See* PARTICULAR SERVICES].—The List is as follows; "the English to lead with the larboard, and the Dutch with their starboard tacks on board," viz.:—

BLUE SQUADRON.			RED SQUADRON.		
Rate.	——	Guns.	Rate.	——	Guns.
	Vice-Admiral's Division.			Admiral's Division.	
2	*St. Michael*	90	3	*Essex*	70
3	*Restoration*	70	3	*Swiftsure*	70
3	*Expedition*	70	3	*Eagle*	70
3	*Dreadnought*	60	2	*Sandwich*	90
3	*Royal Oak*	70	1	*Britannia*	100
2	*Neptune*	90	1	*London*	100
2	*Windsor Castle*	90	3	*Grafton*	70
3	*Northumberland*	70	3	*Hampton Court*	70
3	*Stirling Castle*	70	2	*Albemarle*	90
2	*Ossory*	90	Fire-ships.	*Vulcan.*	
Fire-ships	*Owner's Love.*			*Flame.*	
	Speedwell.			*St. Vincent.*	
	Admiral's Division.			Vice-Admiral's Division.	
3	*Berwick*	70	3	*York*	60
3	*Suffolk*	70	3	*Elizabeth*	70
3	*Edgar*	70	3	*Burford*	70
2	*Vanguard*	90	3	*Captain*	70
1	*Victory*	100	2	*Duke*	90
2	*Duchess*	90	1	*Sovereign*	100
3	*Mountague*	60	2	*Royal Catharine*	90
3	*Hope*	70	3	*Plymouth*	60
3	*Resolution*	70	3	*Cornwall*	80
Fire-ships	*Vesuvius.*		3	*Lenox*	70
	Etna.		Fire-ships	*Lightning.*	
	Hunter.			*Vulture.*	
				Friesia, Dutch.	
	Dutch Ships, 22.				

* "They write from Portsmouth that 6 seamen were struck down by the late lightning, last (*sic*) on board the *Adventure*, 4 of which recovered, but the other 2 lay a dying." (*Luttrell*, Aug. 16.)

(*Great ships ordered round to Chatham*):—

Aug. 14 (*i*). *Russell to Admiralty.* . . . Does not enquire to what time it is the Queen's pleasure to keep the 3-deck ships with the Fleet, but desires, if thought reasonable, that timely notice may be given the Ordnance Officers to have enough lighters ready, against the ships come into the Swaile, to receive their powder from them, that being the time the ships are most exposed to hazards of that kind.——Aug. 17 (*k*). Suggests that an order should be lodged at Chatham, against the ships come up, requiring each captain, so soon as his ship is brought to her moorings, to see his barge delivered to the custody of such as the Commissioner shall appoint. Providing boats for the Fleet is a very great charge, and for the most part, they receive the greatest damage when the ships come in to be laid up, nobody taking care what becomes of them.——Aug. 25 (*k*). . . . Suggests that, instead of unrigging the great ships, as has been customary, when they come in, they should have their standing rigging, tops and topmasts through the caps, which will forward the service in the spring, but the Masters-Attendant are better judges. . . .——Aug. 28 (*k*). . . . Will order, as directed, one of the Muster Masters to go round with the 1st and 2nd rates, and the others to remain with the ships that will be left here at St. Helens.

(*Refitting Fleet in Winter*):—

Aug. 25 (*k*). *Russell to Admiralty.* . . . If the yards want carpenters for the winter's work in refitting the Fleet, it would be no ill service to send a number ashore out of the 1st and 2nd rates for that purpose.

(II.) MAIN FLEET (MOVEMENTS).

(*Rendezvous at the Flats*):—

April 22 (*c*). *Admiralty to Russell.* To send at once to the Flats off the Foreland, out of the 90 ships [*see* under date MAIN FLEET (COMPOSITION AND CONDITION)] appointed to his command, such 3rd and 4th rates, and also the fireships now at the Nore, or in the Thames or Medway, as are fit for sea, the rest to follow as soon as ready. [*Burchett's* Naval History, p. 461.]

(*Under sail westward*):—

May 5 (*h*). *Russell to Admiralty.* On board the *Britannia*, at anchor off the Blacktayle. Has received his Instructions of 3 May.* Yesterday, about 5 a.m, a westerly breeze springing up, he weighed, but before he could get 2 miles below the Nore, it came easterly, which brought him to anchor, and there is all the appearance he ever saw of a continued east wind. Will do his best to get to the westward. . . .

(*Junction with Carter and Delavall*):—

May 5 (*e*). *Admiralty to Russell.* To sail forthwith (pursuant to Queen's order of this day) and lie between the Isle of Wight and Cape de Hague, for joining Delavall and Carter, and, when joined, to prosecute his former Instructions. [*Burchett's* Naval History, p. 462, *in extenso*; and *Ralph's* History, II., 353.]

May 7 (*h*). *Russell to Admiralty.* Off the Kentish Knock.† Will execute his Orders of May 5 with all the diligence he is able, but prays leave to observe that there is a probability of his missing Delavall's

* Not among the Papers.

† "An express this day from the Downs, that Admiral Russell, with 16 great men-of-war, was entering the Downs yesterday; believed they will go directly into the Channel." (*Luttrell*, May 7.)

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squadron. In his poor opinion, the more certain way of joining had been to have anchored off the Ness or Beachy, and the others ordered to join him there, and then to have sailed where the Fleet might have done the best service. Separating the Fleet is of the last consequence, it was always his opinion, nor has he as yet seen any reason to alter it. Fears very much, if it be true as Delavall writes of the French Fleet's readiness for the sea, that the first time he sees the Vice-Admiral of the Red, it will be with the French at his heels, which will be a very odd way of joining. Does not yet know what number the Dutch squadron consists of. Sailed yesterday from the Nore with a very bare wind, and a little of it, but thought getting to the westward worth the hazard.

May 9 (*h*). *Russell to Admiralty.* Off Rye. When passing through the Downs yesterday, the wind blew so fresh at N.E., that he could not send ashore to send an account of the Fleet's motion. Came to an anchor here about 4 o'clock; the Dutch Admiral came to him from the Downs at 7. Encloses Resolution taken this day by Flag Officers. . . . P.S. "When off Dover, I sent away Capt. Mease and the squadron of small frigates with him (which joined me that morning)* in search of Sir Ralph Delavall, with orders to join me off Beachy, or to send a frigate to let me know where he was, in order to prevent any accident of missing one the other." . . . Subjoined is a copy of the Resolution of the Flag Officers, viz., (English) Adm. Russell, Sir John Ashby, George Rooke, Sir C. Shovell, and D. Mitchell; (Dutch) Adm. Almonde, Vice Admiral Schey, and Rear-Admiral Vandergoes, as follows:—

"Upon considering the Orders which have been given to Sir Ralph Delavall,* for his proceeding with the Squadron under his command, it is our opinion, that, for the more sure and speedy joining the said squadron with their Majesties' ships at this place, we should remain here 48 hours, and that a ship be forthwith sent to cruise off Beachy to look out for Sir Ralph Delavall, and, upon discovering his flag, to make a signal to another frigate to lie between Beachy and this place, in order to his doing the like. That if the wind blow hard westerly, it is most convenient that the Fleet should come to an anchor off the Ness, and that, if it blow hard easterly, they should sail to, and anchor at, St. Helens. [*Burchett's* Naval History, p. 463, *in extenso*; and *Ralph*, II., 352.]

(*At St. Helens*):—

May 13 (*h*). *Russell to Admiralty.* St. Helens. Came to an anchor here about 11 o'clock this morning. . . . The wind blew so very hard during his lying in Rye Bay, that he could not get up his anchors till yesterday in the afternoon, and then it blew so strong, that several of the ships were forced to leave theirs behind them. . . . Has sent several light frigates to cruise to the westward, to bring account of the enemy's motion, if they approach them; but in his opinion these easterly winds have driven them out of the Channel.

May 15 (*h*). *Russell to Admiralty.* St. Helens. . . . "I wish hourly for the occasion to try our officers, who, I hope, will answer what is expected from them. I herewith send you the Resolution of this day's Council of War,† by which you will see what we are going to do, as also that this place is the rendezvous for all ships to meet at." . . .

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* *See* PARTICULAR SERVICES.

† The Resolution here referred to is enclosed, not in this Letter, but in that of 17 May.

May 17 (*h*). *Russell to Admiralty.* St. Helens. "This day I design to sail, though my stay out, unless commanded, will not be long, as you see by the opinions of the Council of War, by which I shall govern myself all this summer, depending very little on my own judgment."—Subjoined is a Copy of the Resolution of the Council of War of 15 May, Present: (English) Admirals Russell and Ashby, Vice-Admirals Delavall and Rooke, Rear-Admirals Shovell and Carter, and Capt. Mitchell; (Dutch): Admiral Almonde, Vice-Admirals Callemberg, Skey and Vanderputten, and Rear-admirals Vandergoes, Evertsen and Meuse, viz., Not to proceed to the westward of St. Helens till there be certain advice that the French fleet is on our coast, *and then to endeavour to fight them.* To sail with first fair weather to the French coast near Cape de Hague and Cape Fleur [Barfleur], and continue there four days, if fair, to see what service may be done there, and then return to St. Helens, as the place most proper for the Fleet's rendezvous. *To come to an anchor on the French coast, and ride there one day, if it be fair weather.* [Burchett (Naval History, p. 464) and after him Ralph (History, II. 353) omit the words in italics.]

(*The Battle*):—

May 20 (*h*). *Russell to Admiralty.* Describes the Battle of the previous day. [Identical with the letter printed *in extenso* in Kennet, III. 641, and the London Gazette, No. 2768, and described there as Adm. Russell's Letter to E. Nottingham.]

May 23 (*h*). *Russell to Admiralty.* Le Hogue Bay. "In my letter of the 20th I could give you no other account of the Battle, than that the enemy left me between 5 and 6 o'clock the evening before in thick weather, and that I was then in search of them. About an hour after the *Mary* galley parted from me, the weather cleared up, and I saw most of them under the shore between Cape Barfleur and Cape de Hague, the wind easterly, and they crowding away to the westward, and we and the Dutch after them. Some hours after, the wind shifted westerly, they and we plying to windward upon the ebb, and anchoring upon the flood. On the 21st, in the morning, I saw most of them got into the Race of Alderney, 18 or 20 of them cutting their cables, and running to the eastward. I made the signal for the Fleet to cut and chase, which all of us did, except the Dutch and the Admiral of the Blue, who were far to windward of me, and lay ready for the rest of the enemy that were in the Race. Three great ships of them, that went to the eastward, with two frigates, I put on shore at Sherbrooke [Cherbourg], and left Sir Ralph Delaval (being the sternmost of the Fleet) with a strong squadron of men-of-war and fireships to destroy them, and this day he is returned hither, having performed that service. The names of the three great ships are the *Royal Sun*, the *Conquerant*, and the *Admirable*. I am now at an anchor at this place, where in the harbour are great numbers of transport-ships, and at the mouth of it 10 sail of great men-of-war, who have lightened themselves all that possibly they can, to prevent being destroyed by us; but that, I hope, will not save them. One more, of about 50 guns, lies upon her side lost. The enemy's ships did not exceed 50 ships of war, of which number 18 of them had three decks, and but two so small as 56 guns. Though their number was inferior to ours, yet I can positively affirm, that the ships of their Majesties which beat them, did not exceed 40, for the weather being so thick and quite calm, the Dutch, who led the van, could not come in to fight; and the Blue, who were in the rear, could not come up, except in the night about 8 o'clock, and then they met with some scattered ships of the enemy's, in which scuffle Rear-Admiral

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Carter was killed,* and, had not the weather been very cross, not one of their ships could have escaped us. Monsieur Tourville (who lay by me about an hour and a half) plied his guns very fast, but, after that, slackened his hand, and with his boats towed his ships at a greater distance from me. Both he and all his division, I believe, had their belly's full, for there was not one ship in my division but what plied them very warmly. I send you an account,† which I have received from a captain of a fireship Sir John Ashby took yesterday, of what he knows that passed before and in the Battle, he being one of those ships that were to windward and in the Race.

"Since the writing this, the Admiral of the Blue and the Dutch are come hither, but lost sight of the enemy off Guernsey, and I presume they are now got into St. Malo's. I design tomorrow to advise with the Flag-Officers about sending a strong squadron to the westward. Possibly they may meet them with the first fair wind going for Brest. I also design to propose sending a small squadron of light ships off of Havre, and so along the coast to Dunkirk, to see what may be picked up. I have pursued them so warmly, that I have not given them time to breathe. The ships most disabled I'll keep here, till these ships are destroyed, and then try what may be done on the transports in the haven. When I depart from hence, I design for St. Helens. . . . [For continuation of letter *see* under date MAIN FLEET (COMPOSITION AND CONDITION) (*Refitting Fleet*).]

P.S. "May 24. Since the writing of this, I sent in Vice-Admiral Rooke with a squadron of ships and fireships, and all the boats in the Fleet; and therefore I stopped this express, till I could give you some account of the success; which is, that with the boats last night they burned 6 great ships, and this morning 6 more, the least of 60 guns, and several of them being of 90."

(*Return to St. Helens*):—

May 25 (*h*). *Russell to Admiralty.* Under sail 6 leagues N. from Le Hogue. Is now under sail towards St. Helens with all the Fleet except 12 English men-of-war and 3 fireships under the command of the Admiral of the Blue [Sir J. Ashby], and as many Dutch ships, which he has ordered along the French shore as far as Havre-de-Grace, to endeavour to destroy such of the enemy's ships as they meet with there, if it be possible, and if not, to return forthwith to the Fleet at St. Helens. [*See* Burchett's Naval History, p. 469.]‡ . . . "P.S. Last night we burnt several transport ships."

June 1 (*h*). *Russell to Admiralty.* Portsmouth Yard. Has received their letter of 30 May, and would have owned the receipt of those of the 16th, 18th, 19th and 21st sooner, had not his time been wholly taken up with the Lords who came hither by her Majesty's directions.§ Came on shore last Monday [May 30], and ever since then, the wind has blown so extremely hard, that there has been no

* This confirms the account in the *London Gazette*, No. 2768, that Carter was killed during the pursuit. Macaulay (iv., 236, edit. 1855) states that he was killed at the beginning of the action, after being the first to break the enemy's line. Clarke's Life of James II. (ii. 493) or Luttrell, 26 May 1692, seems to be the authority for this misstatement.

† Not among the Papers.

‡ Sir J. Ashby rejoined the Fleet at St. Helens on 29 May. (*London Gazette*, No. 2771.)

§ E. Rochester, E. Portland, and L. Sidney. (*London Gazette*, No. 2771.) They had been sent to concert measures for prosecuting the Descent on France. *See* E. Nottingham's Abstract, Paper (*l*) below, May 27. C. J., X. 751.

getting off to the Fleet. Designs, as soon as the weather is a little moderate, to go to sea with such English and Dutch ships as are in the best condition, and leave the rest at Spithead to be refitted. . . . Thanks them for their advice of the two disabled French ships * seen off Beachy on Wednesday or Thursday last. Believes, if the report be true, they cannot now be far from that place, the wind having been out of the S.W. quarter ever since, and for the most part blowing extremely hard.

June 2 (*h*). *Russell to Admiralty.* Portsmouth. . . . Designs for the French coast as soon as the weather is somewhat moderate, with such ships as are fittest for sea, and if his own ship cannot be got ready, he will go in another.

* * * * * * * *

[There is a gap in Russell's Letters from 9 June to 24 July, representing a period covered by a Book, No. 4, missing between Papers (*h*) and (*i*). He left St. Helens with the Fleet on June 14, with a design to intercept the French ships on their way from St. Malo to Brest (*E. Nottingham's* Abstract (Paper (*l*) below), June 13 and 14, and C. J., X. 752), but after being forced by bad weather 20 leagues W. of Ushant, came again in sight of the English coast on the 30th (Paper (*l*) June 30; *London Gazette*, No. 2781), and reached Torbay on July 1, having been unable to attack the French ships at St. Malo without land forces. (*Luttrell*, July 5.) He stood over again to the French coast, almost immediately after (*Ib.*), and sent letters to E. Nottingham on the 3rd from "Guernsey Road," and on the 6th "under sail off Guernsey" (Paper (*l*) *ut supra*). On the 8th he was at anchor off Berry Point, having detached a squadron to the French coast under Rooke (*Ib.*; *London Gazette*, No. 2782), who rejoined him on the 13th (No. 2784). On the 10th, having been forced back by a strong W.N.W. wind, he came to anchor at Torbay (*London Gazette*, No. 2783). He sailed from there on the 15th (see *London Gazette*, No. 2784), but was back again at Torbay on the 19th. (*Ralph*, II. 359.)]

(*At Torbay*):—

July 24 (*i*). *Russell to Admiralty.* At Torbay. Has taken in what provisions came in the victualling ships, and will tomorrow, if the weather be fair, put to sea. . . . The weather has been extremely foggy, with squalls of wind, since he came here. . . .

(*Council-of-War*):—

July 25 (*i*). *Russell to Admiralty.* At Torbay. Encloses Resolution of Flag Officers at a Council-of-War, called on board the *Britannia* this morning, viz. That a squadron † be sent hoff the Isle of Basse, to prevent the French ships going from St. Malo to Brest, and that the rest of the Fleet sail forthwith to Spithead, to join the transports, if the wind be westerly, but continue at Torbay and wait for them, if it be easterly. [The Resolution is printed *in extenso*, with two small variations, in C. J., X. 720–21.]

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* With regard to French ships disabled after the Battle, the following appears elsewhere, viz.:—May 24 (*e*). *Admiralty Order.* To Thos. Wilshaw, Esq. one of the principal Officers and Commissioners of the Navy at Portsmouth. To employ the guardship *Rose*, or any other ship within his reach, which he shall judge proper, to take up any lame ships of the French, or on any other necessary service at this time after the engagement with the enemy.

† Sir John Ashby's, which relieved Capt. Nevill's. *See* PARTICULAR SERVICES.

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(*Departure for La Hogue Bay*) :—

July 29 (*i*). *Russell to Admiralty.* On board the *Britannia.* Yesterday afternoon called a Council of War, at which it was agreed that, since the season is so far advanced, it is not practicable to attempt anything against the enemy either at St. Malo or Rochfort. Encloses Copy of Result for their information how the Fleet will proceed,* and likewise a Paper signed only by the Flag Officers,† as also the places appointed for rendezvous, viz., "In case of separation by bad weather or any other avoidable accident, and the Fleet be to the eastward of the Isle of Wight, the place of rendezvous with the wind westerly is Le Hogue Bay, and with the wind easterly St. Helens; but if the Fleet be to the westward of the Isle of Wight, the place of rendezvous with the wind westerly is St. Helens, and with the wind easterly Torbay. Dated on board the *Britannia* this 29 July 1692." Is now on the way to the Bay of Le Hogue, to countenance the army in what shall be thought convenient to be attempted on the coast of Normandy.

(*Return to St. Helens*):—

July 30 (*i*). *Russell to Admiralty.* Off the high land of St. Albans. Received this morning the Queen's Order of the 26th inst., and encloses Resolution of Council-of-War thereon. Is coming, accordingly, to St. Helens with his portion of the Fleet and the transports, and shall await there the Queen's further commands. [The Resolution is given *in extenso* in C. J., X. 722. Russell announced his return to St. Helens by an express which reached Whitehall on August 1 (*Luttrell*, Aug. 2), with which day E. Nottingham's Abstract (Paper (*l*) below) ends.]

Aug. 6 (*i*). *Russell to Admiralty.* St. Helens. . . . The weather is very uncertain, wind and rain, the wind not continuing long at one point of the compass. . . .

Aug. 7 (*i*). *Russell to Admiralty.* St. Helens. . . . The wind is at S.W., blowing hard, with much rain.

Aug. 13 (*i*). *Russell to Admiralty.* St. Helens. . . . Wind at W.S.W. . . . Made the signal yesterday (pursuant to Queen's Order) for sailing westward, the wind being easterly, and designed to have done it this morning, but last night, about 9 o'clock, it began to lighten, and at 11 it lightened, thundered and rained, with sometimes great gusts of wind, that in all his life he never saw the like, and so continued till 1. . . .

Aug. 14 (*i*). *Russell to Admiralty.* St. Helens. . . . The wind has, since the storm, blown very hard at S.S.W. with rain. . . .

Aug. 17 (*k*). *Russell to Admiralty.* St. Helens. Received the Queen's commands for the Fleet's sailing to Torbay, but has been detained by contrary and very hard gales of wind. Will sail, if the wind comes E., but at present it is S.E., and at this time of year the Flag-Officers, whom he has consulted with this day, are of opinion the Fleet should not venture to sea with the wind to the southward of E.S.E. . . . P.S. Since writing this, the wind is come about to the S.W. [Admiral Russell's last Letter is dated St. Helens, Aug. 28. On Sept. 5 he struck his flag and went up to London. All the 1st rates were ordered up the river under Sir Ralph Delavall, to be laid up; the rest were to continue at sea under Sir John Ashby. (*Luttrell*, Sept. 8.)]

* Printed *in extenso*, but with some variations, in Burchett's Naval History, pp. 474–6, and following him in Ralph's Hist., II., 360, and Campbell's Lives of the Admirals, III., p. 113. The substance is given in E. Nottingham's Abstract (Paper (*l*) below), under date July 28. The text above adds at the conclusion the words 'And it is resolved the fleet lie on the said coast [of Normandy] accordingly." The other variations are purely verbal.

† C. J., X. 721 *in extenso*, but omitting the signature of C. Vanderputten.

III. PARTICULAR SERVICES. (April 2–Aug. 28).

i. (*Separate Services*):—Rear Admiral Carter (April 2–May 10).——Capt. Meese (April 5–28.)——Capt. Bridges (April 8).

ii. (*Detached Services*) :—Vice-Admiral Delavall (April 24–May 10).——Capt. Evans (May 27–June 1).——Cruisers for French privateers (July 24–Aug. 28).——Capt. Nevill (July 24–Aug. 7).——Sir John Ashby (July 24–Aug. 9).——Sir Cloudesley Shovell: Expedition to Dunkirk (Aug. 7).——Capt. Robinson (Aug. 13).——Newfoundland Squadron (Aug. 23).——West Indies Squadron (Aug. 21–26).

iii. (*Convoys*) :—Merchant-men from Bilboa (May 14–June 13).——and for East Country, &c. (June 6–10).——Ordnance stores for Portsmouth (May 28).——Ordnance Stores, &c. for Plymouth (June 4).——Transports for Holland (June 22–July 27).——*Exeter* hulk (July 30–Aug. 28).——Ketches, &c. (July 30).——The *Ann* (Aug. 13).——Dutch St. Ubes' Fleet (Aug. 21).

i. *Separate Services.*

(*Rear Admiral Carter*) :— Admiralty Orders as follows :—

April 2 (*b*). To repair to the Downs, and after fitting for service in the Soundings, with all possible dispatch, the *Deptford* and *Hound* fireship (in the Downs), and the *Monmouth*, *Mountague*, *Tiger* prize and *Milford* (ordered to the Downs), to hoist his flag and sail with them westward, taking up the *Centurion* at Spithead, to Plymouth, where he will find the *Extravagant* fireship, and remain at Plymouth Sound for further orders.——April 6 (*b*). To take with him, on his way westward, such Dutch ships at Spithead as shall be ordered to join him.——April 11 (*b*). Order as to *Centurion* revoked, she being ordered to Plymouth Sound, to await his arrival there.*

April 12 (*b*). To sail to Spithead, and remain there for further orders, taking with him the above-named ships (omitting the *Extravagant* and *Centurion*), together with the *Rupert*, *Woolwich*, *Dragon*, *Charles* galley and *Falcon*, or such of them as shall be now in the Downs.†

April 14 (*b*). Instructions: To take under his command the following ships, viz. :—

Monmouth	*Portsmouth*
Mountague	*Milford*
Rupert	*Virgin* prize
2 third-rates more from the Nore‡	*Falcon*, brigantine
Deptford	*Sally Rose*
Tiger prize	*Julian* prize
Woolwich	*Roe*, ketch
Dragon	*Isabella*, yacht
Bonadventure	*Hound*, } Fireships
Centurion	*Extravagant*, }
Charles galley	and 1 Fireship more,

* The *Centurion* arrived at Plymouth, with two trading vessels under her convoy, on April 17. (*London Gazette*, No. 2759).

† Carter, with his squadron, arrived at Spithead on April 18. (*Ib.*, No. 2759.)

‡ On April 11 the Commander-in-Chief at the Nore was ordered to send two of the smallest 3rd rates to Spithead (*b*). On the 18th, no ships having been sent, he was ordered to send the *Cambridge* and *Resolution*, supplying them with men from the great ships in the Medway (*b*). On the 21st, the Chief Flag-Officer at the Nore was ordered to keep the *Resolution* at the Nore till further orders (*b*). [The *Resolution* was appointed one of the Main Fleet on April 22. According to *Luttrell* (14 April), Carter appears to have sailed with a squadron of 14.]

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and immediately, with any 5 or more of them, to sail over to Guernsey and Jersey, the rest to follow. After taking on board pilots, he is to cruise near St. Malo for 48 hours and no longer, to gain information, unless he finds he can do services against the enemy, failing which, he is to proceed to Cape de Hague, and stand in to Havre-de-Grace, to get intelligence and annoy the enemy. If nothing is to be done there, he is to detach the *Dragon* and *Falcon* to the Shannon, with orders to convoy the artillery ships from thence to Kinsale, and himself to return with the rest of his squadron to Spithead, sending on what account he has of the enemy's designs. If he finds it needful to stay on the French coast for the defence of the islands, he is to send word. [The substance is given in *Burchett's* Naval History, pp. 461–62.]

April 17 (*b*). To take with him to Guernsey (pursuant to Queen's Order) Col. Purcell's regiment, now at Portsmouth, if ready to embark, and if not, to order such ships as shall follow him, to do so instead.——April 19 (*b*). To proceed at once on his service, without embarking the said regiment.——April 20 (*b*). To put the regiment on shore again, if already embarked, and proceed according to his former Orders, excepting only that he is not to send away the *Dragon* and *Falcon*,* as previously directed, but return with all speed, with all the ships under his command, to the Flats off the Foreland, and not to Spithead, as soon as the service on which he is ordered is performed.

April 23 (*c*). To keep (on returning from his service) on the French coast, in order to meet Delavall's squadron, ordered thither, and to follow his orders, if met; and if not, to return to the Downs for further orders.

May 5 (*e*). Pursuant to Queen's Orders, he is, if not yet joined with Delavall, to cruise between the Isle of Wight and Cape de Hague, in order to join him and the Fleet with Admiral Russell, which are ordered to that station. [*Burchett's* Naval History, p. 462.] To advise any Dutch men-of-war he may meet with, of that station, in order to their repairing thither also.

May 10 (*e*). *Admiralty to Russell.* The Board understanding by a Letter to their Secretary from Carter, that some of the squadron of their Majesties' ships under Russell's command have lately taken a French ship bound from Havre-de-Grace to Brest, with a packet to Mons. Tourville,† he is required, on Carter's joining him, to have the captain, master and carpenter of the French ship forthwith sent up in custody to the Board.

(*Capt. Meese*) :—

April 5 (*b*). *Admiralty to Capt. Meese, of the Ruby*, at the Nore. The Board being informed that some French ships of war have lately gone from Dunkirk to the northwards, he is to sail with the *Ruby*,‡ together with the *Advice*,‡ *Portsmouth*,§ *Mermaid*, *Sandadoes* § and *Greyhound*,§ or such as shall be ready, and cruise for

* On 21st April the Chief Flag Officer at the Nore was ordered to keep the *Dragon* and *Falcon*, together with the *Milford* and the *Hawk* fireship, at the Nore till further orders (*b*). These four ships were added to the Main Fleet on 7th May.

† "An express from King James to Tourville at Brest was taken by Delavall, and this day brought to the Council." (*Luttrell*, May 10.) "A French advice-boat, with letters for Tourville to act in this juncture, intercepted by Delavall." (*Ib.*, May 12.) Carter joined Delavall between the Isle of Wight and Cape La Hogue on May 9, and the two joined Russell at St. Helens on the 13th. (*Ralph*, II. 353. *London Gazette*, No. 2766.)

‡ Added to Main Fleet on May 7.

§ Appointed to Main Fleet on April 22.

20 days between Yarmouth Roads and Leith, and sometimes into the sea and upon the Dogger Bank, as wind and weather will permit, doing his best to protect the ships of the English and their Allies passing that way, and to take or destroy those of the enemy, sending frequent accounts of his proceedings. At the end of that period, he is to send on shore, either at Tynemouth or Yarmouth, as wind and weather will permit, for further Orders.

April 28 (*e*). *Same to Same*, at Yarmouth Roads. To sail to the Downs, with the *Ruby, Advice, Experiment, Sandadoes* and *Greyhound*, and there await further orders, but to leave the *Mermaid* in Yarmouth Roads, to remain there till further orders, directing her Commander to report for how long she is victualled. [*See further under* MAIN FLEET (MOVEMENTS), May 9.]

(*Capt. Bridges*) :—

April 8 (*b*). *Admiralty to Capt. Bridges*, of the *Portsmouth*, at the Nore. To sail forthwith, with his ship and the brigantine placed under his orders, and cruise between Havre-de-Grace and Cape de Hague for not more than 48 hours, getting what information he can of what the French are doing with their galleys, what soldiers are already drawn down, or drawing down to those parts, what flat-bottom boats are providing, or what other preparations making thereabouts for transporting men. This done, to return with all despatch to the Downs, and remain there for further orders, sending up, by express, a particular account of his intelligence ["Paris. April 14. Several transport ships are getting ready at Havre-de-Grace, with design, it is said, to make a descent on Scotland." (*Luttrell*, April 14.)]

ii. *Detached Services.*

(*Vice-Admiral Delavall*) :—

April 24 (*d*). *Admiralty to Russell.* To order Vice-Admiral Delavall (pursuant to Queen's Orders of 22nd inst), as follows, viz. :—To sail with all but the 1st and 2nd rates along the French coast from Calais to Cape de Hague, sending in to discover what is doing at Dieppe, Valery, and Havre-de-Grace, and doing what he can against the shipping in those ports. Then to stretch over to the Isle of Wight, and if he finds no orders at St. Helens, to return and call for them at Dover, and, if he meet with nothing to the contrary, to return to the Flats off the Foreland, whither he is also to retreat at any time if the French Fleet should appear in superior force. To take Carter and his ships, if met with, under his command. [*Burchett's* Naval History, p. 462. *In extenso.**]

April 26 (*d*). *Admiralty to Delavall.* To send a list of the ships he takes with him, and to report his proceedings and send a vessel with any advice of moment to the first port in England.

April 27 (*e*). *Admiralty to Delavall.* To leave behind the *Samuel and Henry, Wolf, Richmond* and *Lark*, to prosecute their orders from the Board.

May 5 (*e*). *Admiralty to Delavall.* To continue cruising (notwithstanding his Orders from Russell) between Cape de Hague and the Isle of Wight, until joined by Russell with the Fleet, which is ordered to that station, as he is to advise any Dutch men-of-war that he may meet. But if the enemy's fleet shall appear in superior force, he is to retreat to the Flats off the Foreland, until he meet with the rest of the Fleet.

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* *Campbell* (Lives of the Admirals, III. 91) confounds this service of Delavall's, as *Ralph* (Hist., II. 348) points out, with his previous voyage from Cadiz.

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May 10 (*e*). *Admiralty to Delavall.* To send a ship immediately towards Cape de Hague and Havre-de-Grace, to order Carter to join him (if he has not done so already), directing the captain to beware of the enemy, who are said to have been off Dartmouth on the morning of the 8th inst. ["Letters from Plymouth say that Delavall was returned, having endeavoured to burn the French transport-ships, but they lay so far up the river at Havre-de-Grace that they could not come at them." (*Luttrell*, May 10.)]

(*Capt. Evans: French designs on England*).

May 27 (*h*). *Russell to Admiralty.* St. Helens. Encloses directions of date to Capt. Evans, viz.:—To cruise with his ship, the *St. Martin* prize, and the *Roe* ketch and *Goodwin* prize between Beachy Head and Dover, keeping in sight of shore, and to look out for and intercept any French vessels sent to land people in those parts, and on meeting any, to have them secured at the nearest port, giving immediate advice to E. Nottingham, and then return to his station. To report proceedings to the Admiralty, and execute any orders received from them or E. Nottingham.——June 1 (*h*). . . . The *St. Martin* prize was sailed, pursuant to his orders before those they sent arrived. . . . .

(*Cruisers for French privateers*):—

July 24 (*i*). *Russell to Admiralty.* Torbay. . . . Designs the *James* galley * and *Sun* prize to cruise in St. George's Channel, where he hears there are several privateers. . . .

Aug. 6 (*i*). *Russell to Admiralty.* . . . Recommends having two or three good sailing frigates clean, to meet the privateers near their going in foul. The ships he cleaned have come up with everything they saw, but he has no ship in the Fleet to clean that sails well.

Aug. 14 (*i*). *Russell to Admiralty.* St. Helens. . . . Has ordered the *Plymouth* and *Oxford* to cruise 24 hours off the Lizard, and then 6 hours off the Start, merely to keep the corsairs off the coast. . . . E. Nottingham writes as if they expected some ships from the Fleet should be sent to the Irish Channel in search of the privateers. But, as their Lordships know, he has no ships but 3rd rates undisposed of. The only cruising frigates are the *Deptford*, *Centurion*, *Portsmouth*,† *James* galley, *Adventure* and *Sandadoes*, and where they are ordered, he has already stated. The last two only came to him from before Breac on Saturday last. If they desire any of the 3rd rates should be sent to cruise, he will send them. . . .

(*Capt. Nevill*):—

July 24 (*i*). *Russell to Admiralty.* Torbay. . . . "The *Germoon* yesterday brought me a Letter and a Journal from the Commissioner at Plymouth of the Commander's discovering 6 sail of French ships N.N.E. from Ushant, and about 8 leagues to the eastward he saw 20 more. I will not say they were not French, but I verily believe they were the ships I had appointed to lie very near the distance and bearing he speaks of."

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* On 21 July the *James* galley brought into Plymouth a French privateer of 18 guns and 150 men, which she took, after a 3 hours' fight, three days before off the Land's End. (*London Gazette*, No. 2787. *Luttrell*, July 26.) On Aug. 10 she sailed from Falmouth to the eastward with a convoy of merchantmen. (*London Gazette*, No. 2793.)

† The *Deptford* came into Plymouth, on Aug. 13, with a retaken merchantman. (*Ib.*, No. 2793.) The *Centurion* and *Portsmouth* came in there on the 28th, after a cruise off the Irish coast, with a French privateer [*La Machine*] captured by the former on July 18. (*Ib.*, Nos. 2787, 2788, 2797.)

Aug. 2 (*i*). *Russell to Admiralty.* St. Helens. Last night Capt. Nevill arrived here with 9 English men-of-war. All the Dutch that were with him on the late cruise, and 5 of the English, are left with Sir John Ashby. They have retaken several ships that the enemy's privateers took in the Irish Channel. The Captain of the *Germoon* prize* brought a Journal of his proceedings when before Ushant, and of his discovering several French ships and one flag, and E. Nottingham sent him the same. Has compared that account with the relation of the Commanders of Capt. Nevill's squadron, and finds the 6 sail he saw were Ostenders, bound thither with soldiers from the Groyne. The single ship that chased him was Capt. Fairborne in the *Monck*, and the squadron was Nevill's. Hopes the Board will order him to be more certain of his news, before he reports it positively, lest his intelligence may lead into errors.

Aug. 7 (*i*). *Russell to Admiralty.* St. Helens. Encloses an account received from Capt. Dilkes of the *Adventure*, as follows :—

James Wallos and Thos. Boulty, lately prisoners in St. Malo, and now retaken, give this account :—That there are now at St. Malo 22 sail of men-of-war, of 60 and 70 guns apiece, and one of 86 guns, with 6 fireships,† all, excepting two, ready to sail and wait for orders, 8 of which are ordered to sail forthwith. The fireships lie at the booms, which they have lately made, to prevent any ships coming in. Three privateers are now building; one, of 56 guns, will be finished within a month; one, of 24 guns, the other of 14 guns. At this time there are at sea out of St. Malo 30 sail of privateers; 5 carry King James' Commission, all painted yellow, except the *Concord*, which is painted red, viz. :—

St. Aron, Capt. James Welch, 16 guns, 150 men.
‡*Providence*, Capt. Lambert, 14 guns, 120 men.
Corquein, Capt. Vaughan, 18 guns, 140 men.
Prince of Wales, Capt. Robt. Welch, 12 guns, 70 men.
Concord, Capt. Golding, 14 guns, 120 men.

French privateers (descriptive particulars added to each ship) as follows :—

Victory, 36 guns, 250 men.
§*Machine*, 36 guns.
St. Esprit, 24 guns.
Seven Heads, 30 guns.
St. Peter, 14 guns.
St. Nicholas, 30 guns.
Granadan, 18 guns.
Francis de la Paix, 16 guns.
Artottill, 24 guns.

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* Capt. Wilkins commanded the *Germoon* prize. (*London Gazette*, No. 2819.) It is noteworthy that the Queen's Order of 26 July, recommending an attempt on Brest, and, in particular, the burning of St. Malo, was founded, as E. Nottingham himself states in his Abstract (Paper (*l*) below), on this intelligence received from Capt. Wilkins, which, as it here appears, turned out to be incorrect.

† Letters from Portsmouth say that Sir John Ashby with his squadron continues on the French coast, and they had an account by a French prize, that there lay at St. Malo's 21 French men-of-war from 50 to 90 guns, and 12 more from 10 to 40." (*Luttrell*, 11 Aug. 1692.)

‡ The *London Gazette* (No. 2790), under date Portsmouth, Aug. 4, has the following :—"Their Majesties' ships that are come in from cruising on the coast of France have retaken several small English ships that were taken lately in the Irish seas by privateers, having Commissions from the late King James, one of which was found on board one of these prizes, being dated 22 Feb. last at St. Germains, and countersigned Melfort, by which Patrick Lambert is appointed Captain of the frigate called the *Providence*, &c."

§ The privateer *La Machine* was captured, after a three hours' fight, and brought into Kinsale by the *Centurion* on July 20. (*London Gazette*, No. 2788.)

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Privateers out of Brest :—

St. Lee, 36 guns, 250 men.
Queen Mary, 36 guns, 200 men.
Le Grand Joseph, 28 guns.

Ready to sail out of St. Malo the first fair wind :—

The Brave, 18 guns. *Sun*, 24 guns.
Royal James, 14 guns. *Comte Reville*, 36 guns.

They hear from England that the English fleet was coming to besiege St. Malo, since which the merchants have removed their effects, and night and day men and women are at work about fortifying the place. The grand port and little port are boomed. 600 prisoners, being on board the exchange boats, ready to sail for England, upon the news were remanded back, and sent, closer prisoners than ever, 15 leagues into the country. The Irish Officers are now generally revolting in France, upon some discontents, and by their own report would gladly come on board any of their Majesties' ships. A master of Lyme, for speaking slightly of the Prince of Wales, was made prisoner and threatened to be hanged. They report that the ships that were burnt were burnt by themselves. King James is now at St. Germains. The army that lay at Le Hogue, with which King James was to invade England, is sent to Savoy. The ships we took came out of St. Malo the 27th of July.

(*Sir John Ashby*) :—

Russell to Admiralty :—

July 24 (*i*). Torbay. . . . Will send another squadron to relieve the ships on the French coast,* that they may come hither to take in their provisions.——July 25 (*i*). Sir John Ashby commands the squadron.——Aug. 9 (*i*). St. Helens. . . . His squadron is just in sight. [Ashby's Squadron consisted of 1 first-rate, 6 seconds, 17 thirds, 1 fourth and 4 fireships, together with several Dutch ships. (*Ralph*, II. 360). He returned to Portsmouth, after having landed some men near St. Malo's without opposition, burned some houses, and brought off some prisoners and 800 head of cattle. (*Luttrell*, Aug. 13.)]

(*Sir Cloudesley Shovell: Expedition to Dunkirk*) :—

Aug. 7 (*i.*) *Russell to Admiralty.* St. Helens. Sir Cloudesley Shovell sailed today, by the Queen's command, to the Downs, with the following squadron :—

Kent	*Charles* galley		*Roebuck*	
Breda	*Delf*	Dutch	*Owner's Love*	Fireships
Monck	*Medenblick*		*Charles*	
Greenwich	*Greyhound*		*Cygnet*	
Woolwich	*Strombolo*	Fireships	*Shark* brigantine	
Chatham	*Griffin*		*Salamander*, bomb-vessel.	

[This Squadron, with the transports and the troops under the Duke of Leinster, which had returned with Russell to St. Helens, arrived in the Downs on the 8th (*London Gazette*, No. 2791), and remained there, awaiting further orders, till the 20th, when they put to sea, and landed the forces at Ostend on the 22nd (*Ib.*, Nos. 2795, 2796). "Sir Cloudesley Shovell is arrived in the Downs from before Dunkirk." (*Luttrell*, Sept. 27.)]

(*Capt. Robinson*) :—

Aug. 13 (*i*). *Russell to Admiralty.* St. Helens. The Queen having ordered him to send a squadron of 10 ships, English and Dutch,

* Namely, Capt. Nevill's Squadron. *See* p. 218. *See also* MAIN FLEET (MOVEMENTS)— *Council of War.*

to the Downs, to receive her further commands, he has sent the following, viz. :—

English	*Monmouth*	Dutch	*Amsterdam*
	Lion		*Tergoes*
	Defiance		*Hoorne*
	Cambridge		*Stadt en Landt*
	Warspite		*Edam.*

Capt. Robinson, who commands them, has his orders, and is now under sail, with the wind at W.S.W. [Capt. Robinson commanded the *Monmouth*. (Somers' Tracts, XI., p. 459.)]

(*Newfoundland Squadron*) :—

Aug. 23 (*k*). *Russell to Admiralty.* . . . The *St. Albans*, *Bonadventure* and *Mary* galley were not mentioned in the List of cruising frigates at his disposal [see *Cruisers for French Privateers*, p. 218, Aug. 14], because they were sent with the *Spy* fireship, by the Queen's commands, last July to the French part of Newfoundland, and are probably now returning. [This squadron, which was intended to destroy the French in Newfoundland, is referred to in E. Nottingham's Narrative (Paper (*l*)) under dates June 1, 2, 5, 15 and 22 and July 13. From the Log Book of the *St. Albans*, Capt. Gillam, which is among the Admiralty Records at the Public Record Office, the following facts appear :—On 15 July 1692 the *St. Albans* is at Torbay, "*Bonadventure*, *Mary* galley, *Spy* fireship being in company with us." She is afterwards working westward, and on 31 Aug. "made Cape Race on Newfoundland." In September the same ships are mentioned as with her. The *London Gazette*, No. 2813, states that these four ships left Newfoundland on 27 Sept., and reached England at various dates between 20 and 23 Oct. Other entries in the *London Gazette* state that the *Bonadventure*, which had convoyed to the Downs on 6 July some merchant vessels bound from Topsham to London, left the Downs on 21 July with the merchant fleet bound to Newfoundland in company with the *Reserve*, *Crown*, *Sheerness* and *Signal* fireship, and reached Plymouth on the 30th (Nos. 2782, 2786, 2789) ; but these entries may refer to another *Bonadventure*, the hired ship.]

(*West Indies Squadron*) :—

July 30 (*i*). *Russell to Admiralty.* . . . The *Rupert* . . . ordered to Spithead to refit. . . .

Aug. 6 (*i*). *Russell to Admiralty.* . . . Will send the *Experiment*, *Chester* and *Ruby* to Plymouth, to be cleaned and refitted for their voyage. . . .

Aug. 21 (*k*). *Russell to Admiralty.* St. Helens. "In obedience to your Order of the 17th inst., the *Dreadnought* is ordered into Portsmouth harbour to pursue your further directions. The *Ruby* is also there to clean and refit; she had gone to Plymouth with the *Chester*, *Advice* and *Experiment*, there to be refitted, but upon a survey of the masts both of the *Ruby* and *Chester*, the mast-maker here judges it not secure to venture those ships so long a voyage with such masts, though they be serviceable enough in the Channel. This was the reason why she also did not accompany the rest. I have given strict charge to the Captain about his men. I went into the harbour yesterday to hasten the ships out. It was a very melancholy sight to see the *Dunkirk*, *Pembroke* and *Crown* without hardly ten men on board. The *Dragon* is in something a better condition, though not much. The *Rupert*, I hope, will be at Spithead in all this week." . . .

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Aug. 23 (*k*). *Russell to Admiralty.* St. Helens. . . . "In my letter of the 21st I acquainted you how I had disposed of the ships which I heard were designed for the West Indies, which I hope meets with your approbation. As for the *Resolution*, I never had any orders to send her in till your letter of the 20th, the extract you sent me of my Lord Nottingham's letter. With submission, I fancy his Lordship mistakes my expression. I writ him word that the Commissioner had orders for sheathing that ship, but that I had no order from you to send her in."

Aug. 25 (*k*). *Russell to Admiralty.* Has enquired of the physicians of the Fleet about one of their attending the squadron, and has given Dr. Browne, physician to the Red Squadron, who embraces the offer, leave to go to London to prepare for the voyage, directing him to wait on the Board. When ordering the *Resolution* into harbour, he directed 150 of such men as the Captain apprehended were most likely to absent themselves from the service, to be put on board two ships in the Fleet.

Aug. 26 (*k*). *Russell to Admiralty.* St. Helens. . . . "I see you have directed the *Pembroke* to cruise for some days. If you would please to give the same orders to the rest of the ships designed for the West Indies, as they are clean, I believe they might be very serviceable."

[This squadron, which was intended to destroy the French factories in New France, Canada and Quebec, and dispossess the French of the Newfoundland fisheries, was at first intended to go under Capt. Meese (*Luttrell*, 28 May 1692), and is referred to in E. Nottingham's Narrative (Paper (*l*) below), under dates 11 and 15 June and 22 and 28 July. It was to have sailed by 1 August, postponed till the end of August, and sailed eventually on 9 Jan. 1692–3, under Sir Francis Wheeler (*Luttrell*, 10 Jan. 1692–3); and all the above-named ships, with the exception of the *Rupert*, *Dreadnought* and *Crown*, formed part of it. The Admiralty "List Book," in the Public Record Office, under date 1 Jan. 1692–3, adds to the above, as ordered for the West Indies, the *Tyger*, *Mermaid* and *Falcon* 4th rates, the *Canterbury* storeship and *London Merchant* hospital ship, the *Quaker* ketch and *Phœnix* bomb vessel, and the *Owner's Love* and *Cygnet* fireships. Dr. Browne went as physician, with a salary of 500*l.* a year (*Luttrell*, 6 Sept. 1692). The Admiralty applied to the College of Physicians to recommend a physician to the Red Squadron in his place (Calendar, 8th Report, p. 231.)]

iii. *Convoys.*

(*Merchant-men from Bilboa*) :—
Admiralty orders as follows :—

May 14 (*e*). To the Commander-in-Chief of their Majesties' ships with the convoy from Bilboa. To keep as far westward, on his return, as he can, and put into the first port in Ireland, it being hazardous to come to the Downs, as the French Fleet is in the Channel. [On May 19 news was brought to Plymouth that the merchant-ships and convoy, consisting of 3 English and 4 Dutch men-of-war, had arrived at Falmouth. (*London Gazette*, No. 2768.)]

May 21 (*e*). To Capt. Hughes, of the *Pearl*, Falmouth. To put to sea, together with the Dutch ships, if ordered to proceed with him, and join Admiral Russell, now in pursuit of the French, taking care not to be intercepted.

May 23 (*e*). To same. To take with him what men can be spared from the merchant-ships.

June 13 (*f*). To Russell. To send 2 ships to Falmouth, to convoy the Bilboa merchant-ships to the Downs, and then return to the Fleet.

[The Bilboa fleet, consisting of about 60 sail, passed the Downs for the Thames on the 19th. (*London Gazette*, No. 2777.)]

(*Merchant-ships for East Country, &c.*):—

June 6 (*f*). *Admiralty to Russell.* To send to the Downs the *Falcon* and 3 fourth-rates, for employment as convoys.

June 9 (*h*). *Russell to Admiralty.* Will send the ships, but it would be safer for them to wait for the *Royal William*, which will be ready in a few days to sail for Chatham.

June 10 (*f*). *Admiralty to Russell.* To send the *Falcon* to the Nore, without waiting for the *Royal William*, the former being one of the ships designed to convoy the merchant-ships to the East Country, which are now ready to sail.

(*Ordnance Stores for Portsmouth*):—

May 28 (*e*). *Admiralty Order.* To Capt. Johnson, of the *Kingfisher*, at the Nore. To send to Sheerness, on his way to the Downs, for such vessels, laden with guns and stores from the Ordnance for Portsmouth, as shall be ready to sail with him, and convoy them to the Downs, and then proceed according to such Orders as he will there receive. [The *Kingfisher*, with the *Discovery* and the *Despatch* galley, sailed on June 1 from the Downs to cruise before Dunkirk. (*Luttrell*, June 2.)]

(*Ordnance Stores, &c., Plymouth*):—

June 4 (*h*). Spithead. . . . Has already sent a 4th rate and some smaller ships to Plymouth, to be cleaned and refitted, but did not think them capable of towing the rafts of chests from Portsmouth thither, as desired, and is of opinion there will be great difficulty in doing it, owing to the little water the chests draw, and their great height out of it. Will appoint some of those ships, when refitted, to convoy the ships with ordnance stores at Plymouth, as directed.

(*Transports for Holland*):—

Admiralty Orders, viz.:—

June 22 (*f*). To Capt. Ward, of the *Dunkirk*,* at the Nore. To take under his care all transports in the River bound for Holland, and convoy them thither as soon as possible, and remain there till they are ordered to return, or else lie in such station on the coast of Holland as he may ride in most safely, so as to be ready to take them under his protection on their coming out of Willemstad, and on their joining him, to convoy them back to England. [9 or 10 regiments were waiting at Willemstad, to embark for England to take part in the descent. (*Luttrell*, June 16.)]

July 27 (*g*). To Capt. Robinson, of the *Garland*, at the Nore. He is, with the ships under his command and the *London Merchant*, to take under his care the transports in the River, which are going with horses to Willemstad, and are intended to be shipt on the 29th, and convoy them thither at the first opportunity, and then return to Harwich and there complete their victualling for 3 months.

(*Exeter* hulk):—

Russell to Admiralty, viz.:—

July 30 (*i*). . . . Sir John Ashby, unless ordered away from his present station, shall have directions as to convoying the *Exeter* hulk from Plymouth.——Aug. 25 (*k*). . . . Learns from Commissioner Greenhill that she will not be ready to come to Portsmouth in less than a fortnight, by which time he will send a ship to convoy her.——

* *See also under* Transports, &c. for Descent, p. 238.

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Aug. 28 (*k*). . . . Understands from the Commissioner at Plymouth that she will require 150 men to sail her. As the *Deptford* alone cannot spare this number, he has ordered the Captain of the *Plymouth*, now at Dartmouth, to go to Plymouth with the *Oxford*, and after supplying enough men out of those ships for the hulk and the *Sun* prize, to repair with them and the other men-of-war to St. Helens.

(*Ketches, &c.*):—

May 5 (*h*). *Russell to Admiralty.* Was informed some time since by the Navy Board, that a certain number of ketches would be wanting for some service after the Fleet was at sea. If that resolution continue, he would like to know how many; for probably, by discharging the unnecessary tenders, he may be able to supply them. . . .

July 30 (*i*). *Russell to Admiralty.* . . . The *Tiger* prize has convoyed several ketches and smacks to Spithead, as directed, and the Commissioner at Portsmouth has been desired to send the Board a list of their names. The *Rupert*, when ordered thither to refit, took with her such others as could be spared from the Fleet, and Capt. Beaumont, her Commander, has no doubt sent them an account. . . .

(*The Ann*):—

Aug. 13 (*i*). *Russell to Admiralty.* St. Helens. . . . As to the *Ann*, lately arrived at Scilly from Maryland, and bound to London, there being several Dutch and English ships cruising to the westward, if their Lordships will write to the Commanders of the English ships, he will take care that directions shall be sent to the Dutch, to convoy the *Ann*, if she is still there.

(*Dutch St. Ubes Fleet*):—

Aug. 28 (*k*). *Russell to Admiralty.* Received yesterday by express their letter of the 26th inst., with an extract of a letter from the Commissioner at Plymouth, giving an account of the taking of two Dutch men-of-war near Mount's Bay by 3 of the enemy's ships. Received the same account from him yesterday, except that he did not mention that each of the enemy's ships was of 70 guns. Is very sorry for this unlucky accident, but it was not in his power to prevent it. The Dutch had 11 ships of war from 70 to 50 guns, and 3 fireships, which were purposely employed to look out for this convoy. . . .*

(IV.) MANNING THE FLEET.

Transport Office Protections (April 11).——Tenders called in; General Impressment (May 1).——Particular Ships: Men from Colliers (May 5).——State of Fleet; Equalization of Crews (May 10–15).——Complaint as to *Ossory* (May 15).——Volunteers on *Britannia* (May 15).——Want of seamen: remissness of Civil Officers, etc.: Receiving Ships (May 17–Aug. 21).——Muster-masters (Aug. 21).——Deserters (Aug. 23).

(*Transport Office Protections*):—

April 11 (*b*). *Admiralty to all Commanders and Officers of their Majesties' Ships.* Complaint being made by the Transport Commissioners that men are daily impressed from vessels in their employment, notwithstanding their Protections, whereby the Transport service is much obstructed, they are to discharge any men so pressed, who have Protections mentioning their being employed in their Majesties' service, and not to impress any such men in future.

* "Plymouth, Aug. 23. About 70 sail of the Dutch St. Ubes fleet arrived here without their 2 convoys, each of 40 guns, being met off the Lizard, fought and taken by 3 French of 70 guns."—*Luttrell*, 27 Aug.

(*Tenders called in; General Impressment*) :—

May 1 (*e*). *Admiralty to Russell.* Pursuant to Queen's Order of 30 April, he is to order all tenders abroad pressing to join the Fleet at once, and bring all seamen they can meet along the coast on their way, without regard to any protections (except such men as belong to any vessels for the Fleet, with victuals and ordnance stores actually on board, and those in the transports in the Irish seas, as named in the List below), but not to stay above 24 hours after receiving this order, nor touch anywhere after setting sail towards the Fleet. Also, to send some Officers of the Fleet up the Thames and Medway, to impress all seamen, watermen, &c., they can find fit to serve, notwithstanding any protections (except such men as are in the vessels with victuals and ordnance stores for the Fleet, and those belonging to the ships going to Holland, as named below), and to take care that the ships out of which they shall press any men, be left in harbour in safety.

Subjoined is the List above referred to, giving the names, tonnage &c., of 25 ships, viz.:—

5 hired at Bristol, to carry 2,000 Irish to Hamburg; sailed to Milford 12 April.

3 hired at Bristol to carry provisions for 3,550 men to Ireland.

6 hired at Biddeford to bring foot from Ireland to Bristol; sailed to Milford 16 April.

11 (including 2 Dutchmen) taken up in the Thames to carry recruits, clothes, &c., for Holland.

(*Particular Ships.—Men from Colliers*) :—

May 5 (*h*). *Russell to Admiralty.* Found, on weighing yesterday, the *Vanguard* could not stir for want of men, but rather than leave a ship of that consequence behind, he ordered on board her 60 men out of the *Sweepstakes*, then at Sheerness. Supposes that number will do him no hurt, if he keeps up his complement. Does not know whether he has, but is sure he has had it in his power to be extremely well-manned. The 40 men shall be removed from the *Sovereign* to the *Bonadventure* hired ship, as ordered; but that number will not be of any great help to her commander, and will only enable him to go where the smallest ship will take him, as he has now but 100 men on board. The *Oak* and *York* are still at Sheerness, wanting gunners, stores and provisions, and both of them in great want of men. Has given them orders, as directed, about pressing. . . . Finds an Order to the Admiral of the Blue [Sir J. Ashby] to state what men were taken out of the last fleet of colliers. On enquiry, he cannot hear of 30, though they believe there were fully 300 on board; but it blew a storm of wind at the time . . .

(*State of Fleet: Equalization of Crews*) :—

May 10 (*e*). *Admiralty to Russell.* To have an Account taken of the quality and number of the men in the Fleet, and to distribute them equally, for doing good service against the enemy, the Board being informed that some ships have more than their full complement, and also a greater proportion of able seamen than is needful, while others are short in those respects.——May 13 (*h*). *Russell to Admiralty.* Hopes to send the Account of men tomorrow.——May 15 (*h*). *Russell to Admiralty.* Sends the Account required. The Order as to equalizing the ships shall be complied with, as near as he can, though it will be very hard on the officers who, either out of diligence, or being well-esteemed among the sea-faring men, have got their ships well-manned, to spare them to the negligent, but this shall not hinder him from obeying their commands, nor from putting the Fleet in the best posture to meet the enemy. . . . "It is not to be expressed the trouble I have

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about the men turned over at the Nore, and those ships not having had since any opportunity of getting men, I am not able to withstand the many complaints I daily have. The fighting part is by much the least trouble that an Admiral of the English Fleet meets with. There is hardly a fireship in the Fleet that has three seamen, and whenever I chide an officer for not getting men, his answer is, 'All the men I met with were protected.' It has occasioned a very great clamour, how true, I don't know. The permission you gave Lord Danby to take those men from the *Resolution* that were volunteers,* has carried all the men from her under that notion, so that I believe she has not 50 seamen on board. These are complaints that require more patience than I am blest with, not having one minute free from them. I'll do the best I can for the service. . . ." Subjoined is "An Account of the Condition of their Majesties' Ships in the Fleet as to men and provisions" [*see also* VICTUALLING], dated St. Helens, 14 May.

[The contents of this Statement, as regards the List of the Line-of-Battle (viz. 64 ships and 24 fireships) and the number of men "actually on board" on 14 May, will be found in Columns 2 and 6 of the Table below. The additional information contained in the remaining Columns is supplied from other sources, viz. :—

Col. 1. The Rates are taken from the List of May 5 (Paper (*h*), May 5), and in the case of the *Crown*, *Tiger* Prize, *St. Albans*, *Advice*, *Ruby* and *Adventure*, from that of May 7 (Paper (*e*), May 7).

Col. 3. The Captains' names are taken from the Admiralty "List Book, 6 April 1692 to 5 May 1695" (Lists of 1 May and 1 June 1692) at the Public Record Office. The names of those signing the Address of Loyalty are distinguished by asterisks, their signatures, as spelt on the Address, being given in square brackets, where differing from those in the Admiralty List Book.

Col. 4. The Guns are taken from the List of 5 May, except in the case of the *St. Albans* (50), *Crown* (50) and *Advice* (50), which are taken from the Line-of-Battle in Somers' Tracts (XI. 459), and in the case of the *Ruby* (50), *Tiger* Prize (48) and *Adventure* (44), which are taken from C. J., X. 732. With regard to the fireships, the guns in 14 cases are taken from C. J., X. 732, and the remaining 10, viz. the *Extravagant*, *Wolf*, *Hound*, *Phaethon*, *Fox*, *Hopewell*, *Thomas and Elizabeth*, *Blaze*, *Half-Moon* and *Cadiz Merchant* are assumed to have also had 8 guns each.

Col. 5. The Complements are taken from the List of 5 May, supplemented, in the case of the *Crown* (230), *Adventure* (190) and *St. Albans* (280) by the List in Somers' Tracts, and in the case of the *Devonshire* (490), *Bredah* (380), *Cornwall* (490), *Ruby* (200) and *Tiger* Prize (238), by the Admiralty List in C. J., X. 732. With regard to the fireships, the complements in 14 cases are taken from C. J., X. 732, and the remaining 10, as in Column 4, are assumed to have also had 45 men each, the normal complement for fireships, as appears from the Estimate for the following year (C. J., XI. 6).

The Statement appears on the pages following.

* Luttrell, under date 24 Feb. 1690–1, has the following :—"200 seamen, lately come out of Suffolk, went in a body with a ship's pendant displaying before them, and voluntarily offered their services to the Earl of Danby, at St. James', to go on board the *Resolution* (a third-rate frigate his Lordship commands); he received them kindly, and gave them 5 guineas to drink the King's health."

RED SQUADRON. *Vice-Admiral's Division [Delavall].*					
Rate.	Ship.	Captain.	Guns.	Men. Complement.	Men. Actually on board 14 May.
3	*Burford*	Tho. Harlow	70	460	422
4	*Centurion*	*Fra. Wivell [Wyvell]	50	200	209
3	*Captain*	*Dan. Jones	70	460	396
3	*Devonshire*	Hen. Haughton	80	490	—
1	*Royal Sovereign*	Hum. Sanders	100	815	840
2	*Royal Katherine*	*Woolfran Cornwall [Cornwell]	90	540	510
4	*Bonadventure*	*John Hubbard	50	230	216
3	*York*	Robt. Deane	60	340	—
3	*Lenox*	*John Munden	70	460	422
2	*St. Michael*	*Tho. Hopson	90	600	602
Fire-ships	*Extravagant*	Fleetwood Emes	8	45	41
	Wolf	*Jam. Greenway	8	45	35
	Vulcan	Jos. Soanes	8	45	44
	Hound	*Tho. Foulis	8	45	43
			762	4,775	3,780

BLUE SQUADRON. *Rear-Admiral's Division [Carter].*					
Rate.	Ship.	Captain.	Guns.	Men. Complement.	Men. Actually on board 14 May.
3	*Stirling Castle*	*Ben. Walters	70	460	356
3	*Dreadnought*	*Tho. Coall [Coale]	60	365	399
4	*Crown*	Tho. Warren	48	230	220
3	*Suffolk*	Christopher Billop	70	460	382
4	*Woolwich*	*Christopher Myngs	50	280	270
2	*Ossory*	John Tyrrell	90	660	590
2	*Duke*	*Wm. Wright	90	660	640
3	*Cornwall*	Edwd. Boys	80	490	—
3	*Essex*	*John Bridges	70	460	391
4	*Deptford*	*Wm. Kerr	50	280	240
3	*Hope*	*Henry Robinson	70	460	362
Fire-ships	*Thomas and Elizabeth*	Edwd. Littleton	8	45	33
	Vesuvius	*John Guy	8	45	43
	Hunter	Thos. Rooke	8	45	36
	Hawk	Wm. Harman	8	45	—
4	*Tiger* Prize	*Robt. Sincock	48	230	168
			828	5,215	4,040

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RED SQUADRON—*cont.* *Admiral's Division* [*Russell*].					
Rate.	Ship.	Captain.	Guns.	Men. Complement.	Men. Actually on board 14 May.
3	*Grafton*	*Wm. Bokenham	70	460	380
3	*Restoration*	*Jam. Gother	70	460	380
4	*Greenwich*	Rich. Edwards	50	240	233
1	*London*	*Math. Aylmer	100	730	780
1	*Britannia*	David Mitchell	100	780	940
1	*St. Andrew*	*Geo. Churchill	100	730	730
4	*Chester*	*Tho. Gillam	50	200	172
3	*Eagle*	*Jno. Leake	70	460	390
3	*Rupert*	*Bazil Beaumont	60	400	252
3	*Elizabeth*	*Stafford Fairborne	70	460	357
Fire-ships	*Flame*	*Jam. Stuart [Stewart]	8	45	43
Fire-ships	*Roebuck*	Fra. Manley	8	45	—
Fire-ships	*Vulture*	*Hovenden Walker	8	45	37
Fire-ships	*Spy*	*John Norris	8	45	41
			772	5,100	4,735

BLUE SQUADRON—*cont.* *Admiral's Division* [*Ashby*].					
Rate.	Ship.	Captain.	Guns.	Men. Complement.	Men. Actually on board 14 May.
3	*Berwick*	Hen. Martin	70	460	381
3	*Defiance*	*Edwd. Gourney	70	400	324
3	*Mountague*	*Simon Foulkes [Foulks]	60	355	343
3	*Warspite*	*Caleb Grantham	70	420	340
5	*Adventure*	*Tho. Dilks	44	190	145
2	*Vanguard*	Christopher Mason	90	660	580
1	*Victory*	*Edwd. Stanly	100	780	767
2	*Duchess*	*Jno. Clements	90	660	680
3	*Monmouth*	*Robt. Robinson	70	460	395
3	*Edgar*	*Jno. Torpley	70	445	352
Fire-ships	*Speedwell*	*Thos. Symonds [Simmons]	8	45	40
Fire-ships	*Griffin*	Robt. Partridge	8	45	—
Fire-ships	*Etna*	*Richd. Carverth	8	45	43
Fire-ships	*Blaze*	*Tho. Heath	8	45	45
			766	5,010	4,435

RED SQUADRON—*cont.* *Rear-Admiral's Division* [*Shovell*].						BLUE SQUADRON—*cont.* *Vice-Admiral's Division* [*Rooke*].					
Rate.	Ship.	Captain.	Guns.	Men.		Rate.	Ship.	Captain.	Guns.	Men.	
				Complement.	Actually on board 14 May.					Complement.	Actually on board 14 May.
3	*Plymouth*	John Maine	60	340	—	2	*Albemarle*	*Sir Fra. Wheeler	90	660	655
4	*Ruby*	Geo. Meese	42	200	200	3	*Resolution*	*Edwd. Good	70	420	289
3	*Cambridge*	*Rd. Lestock	70	420	400	3	*Monck*	Ben. Hawkins	60	340	—
4	*Oxford*	*Jam. Wishart	50	240	275	3	*Expedition*	*Edwd. Dover	70	460	430
2	*Sandwich*	Arthur Hastings	90	660	606	4	*Chatham*	John Leader	50	200	—
1	*Royal William*	*Tho. Jennings	100	780	880	2	*Windsor Castle*	Earl of Danby	90	660	750
3	*Bredah*	David Lambert	80	380	—	2	*Neptune*	Tho. Gardner	90	660	682
3	*Kent*	*John Nevell	70	460	401	3	*Royal Oak*	Geo. Byng	70	470	—
4	*St. Albans*	Rd. Fitzpatrick	50	280	—	4	*Advice*	*Chas. Hawkins	50	230	193
3	*Swiftsure*	*Rd. Clarke	70	420	370	3	*Northumberland*	*Andrew Cotton	70	460	410
3	*Hampton Court*	John Graydon	70	460	434	3	*Lion*	*Robt. Wiseman	60	340	249
Fire ships	*Phaethon*	*Robt. Hancock	8	45	40	Fire-ships	*Half-Moon*	*John Knapp	8	45	—
	Fox	Tho. Killingworth	8	45	33		*Owner's Love*	John Perry	10	40	—
	Strombolo	*Tho. Urry	8	45	31		*Cadiz Merchant*	Robt. Wynn	8	45	—
	Hopewell	*Wm. Jumper	8	45	45		*Lightning*	Law. Keck	8	45	—
			784	4,820	3,715				804	5,075	3,658
			2,318	14,695	12,230				2,398	15,300	12,133

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A Summary of the foregoing, tabulated according to Rates, gives the following results :—

Rates.	Complements.			Men on board, May 14.		
	Red.	Blue.	TOTAL.	Red.	Blue.	TOTAL.
First -	(5) 3,835	(1) 780	(6) 4,615	(5) 4,170	(1) 767	(6) 4,937
Second -	(3) 1,800	(7) 4,620	(10) 6,420	(3) 1,718	(7) 4,577	(10) 6,295
Third -	(16) 6,930	(18) 7,725	(34) 14,655	(16) 4,604	(18) 5,313	(34) 9,917
Fourth -	(7) 1,590	(6) 1,450	(13) 3,040	(7) 1,305	(6) 1,091	(13) 2,396
Fifth -	—	(1) 190	(1) 190	—	(1) 145	(1) 145
Fireships -	(12) 540	(12) 535	(24) 1,075	(12) 433	(12) 240	(24) 673
	(43) 14,695	(45) 15,300	(88) 29,995	(43) 12,230	(45) 12,133	(88) 24,363

These totals, which include all the 88 ships and fireships, show an aggregate deficiency of 5,632 men. But the column for "men actually on board" is left blank in respect of 9 of the ships (viz. the 3rd rates *Devonshire*, *York*, *Plymouth*, *Breda*, *Cornwall*, *Monck* and *Royal Oak*, and the 4th rates *St. Albans* and *Chatham*) and of 7 of the fireships (viz. the *Roebuck*, *Hawk*, *Griffin*, *Half-Moon*, *Owner's Love*, *Cadiz Merchant* and *Lightning*). Deducting, therefore, for the purposes of comparison, the aggregate complements of these ships and fireships, amounting to 3,330 and 310 men respectively, the net deficiency in 72 (instead of 88) ships and fireships amounts to 1,992 men. Of these 72, only 4 (viz. the 1st rate *St. Andrew*, the 4th rate *Ruby*, and the fireships *Hopewell* and *Blaze*) have their exact complements on board, 58 have an aggregate of 2,505 men short, and the remaining 10 (viz. the 1st rates *Royal Sovereign*, *London*, *Britannia* and *Royal William*, the 2nd rates *Duchess*, *Windsor Castle*, *Neptune* and *St. Michael*, and the 4th rates *Centurion* and *Oxford*) have an aggregate of 513 in excess of their complements, leaving that total available for the purposes of equalisation.]

(Complaint as to *Ossory*) :—

May 15 (*h*). *Russell to Admiralty.* Acknowledges Order of 7 May to examine into the complaint against Mr. John Violl, first lieutenant.——May 16 (*h*). The charge seems groundless, the more so, as the Deponents, whose affidavits he sends, and who were present when the man was prest, were not interested, and took their oaths freely, and also tell him that several men now on board the *Ossory*, who had cockets and papers about them, as the Complainant had, signifying their being masters of vessels, have confessed, since being prest, they were not so, but carried the said papers about them, only to protect them from the press.

(Volunteers on the *Britannia*) :—

May 15 (*h*). *Russell to Admiralty.* Directed Capt. Mitchell [of the *Britannia*] to discharge the three Whitehaven men, as ordered ; but when the men were called to go ashore, they preferred to remain and serve. Could not but commend the spirit of glory in them, and so has left them at their liberty. . . .

(*Want of Seamen : Remissness of Civil Officers, &c. : Receiving Ships*) :—

May 17 (*h*). *Russell to Admiralty.* The men belonging to the Fleet have been a great while on board, and as the season grows warmer, great numbers may be reasonably expected to fall sick, who must be put

ashore, and unless care is taken, not half of those who recover will return. . . . A battle, sickness, or death, some or all of which must be expected this summer, will cause a great want of men, which he will not be able to supply. Recommends, therefore, earnestly, that some way may be found to furnish the Fleet with men towards the middle of the summer, or otherwise it may prove of little service to the nation. Hopes in God they may not have great occasion, but thinks it of the last consequence to provide against a misfortune of that kind. The Accounts he sent by the last post will show how far short of the established complement the number is at present. Has given such orders as may put the Fleet pretty near an equality, or at least make each ship serviceable, which now they are not, several of them having numbers, but not the tenth man a seaman. This may be done once, but it cannot be practised for the future. It will make those who appear to have been very diligent as slothful in manning their ships as others. . . .

June 4 (*h*). *Russell to Admiralty.* After speaking as to those "who signalized themselves in the late engagement," an account of whom was desired by the Board (*see* APPOINTMENTS, PROMOTIONS, &c.), he adds—"And as to those ships that were indifferently manned, it was due not to the negligence of their Commanders, but to their want of necessary helps, which, joined to their own private interest and pains, might have put it into their power to have manned their ships better. . . . P.S. I am very glad to find that you have taken care for men for the Fleet, which is in great want of them, and I know not which way to supply them."——June 9 (*h*). In answer to the Board's inquiry of 7 June,* as to what Commanders wanted the "necessary helps" in manning their ships, and what those "necessary helps" were, the meaning of his previous letter was this:—that, during the Fleet's fitting-out, there was a general complaint among the Commanders that the Vice-Admirals, Justices of the Peace, and other civil officers, so far from assisting, rather hindered the officers employed in procuring men for their ships; and this, in his opinion, has been the chief cause that several ships, whose Commanders have least interest among the seamen, are not so well-manned as others. . . .

June 9 (*h*). *Russell to Admiralty.* Understands that the *Russell* has been directed to be fitted out to lie at Spithead, for receiving such men as shall be procured for the Fleet, and he will appoint a Commander for her, as ordered, but in his opinion, she will be very much exposed by lying there, should any of the enemy's ships look in, when the Fleet is to the westward, which they may very easily do. Would propose, therefore, her continuing in the harbour. The *Boyne* may indeed be of some use by lying at the Nore, as is intended, but unless the Civil Officers send in better men than those he has seen on board the *Cornwall*, they had better not put the King to the charge of procuring them, being fitter to breed distempers on board than to do anything serviceable. [The *Boyne* had been launched at Deptford on May 21 and the *Russell* at Portsmouth on the 3rd inst. (*London Gazette*, Nos. 2768, 2772.)]

(*Muster-masters*):—

Aug. 21 (*h*). *Russell to Admiralty.* . . . Mr. Gauden, Muster-master of the Blue, has been to him, as he said he was directed, for his proceeding after the three-deck ships were called in. Told him he had no authority over him, and had received no commands how he should be disposed of.

* Not among the Papers.

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(*Deserters*) :—

Aug. 23 (*h*). *Russell to Admiralty.* . . . Will order the captain of the *Devonshire* to transmit a list of prest men sent to him by his Lieutenant, who have deserted from other ships in the Fleet. It is highly necessary that some examples should be made, in hopes it might terrify the rest, their deserting as they now do being infamous. . . .

(V.) VICTUALLING.

Russell to Admiralty, viz. :—

May 9 (*h*). Off Rye. . . . Many of the ships want great quantity of their provisions. Will send account as soon as Delavall's squadron joins him. Most of the pursers of the Fleet are missing; desires to know if they have leave of absence, or if, as is possible, the Victualling Commissioners have stopped them. . . .

May 15 (*h*). St. Helens. . . . . Encloses account of state of the Fleet, showing that great quantities are wanting of each species to complete the 4 months. Desires that the Victuallers, when sending down a supply of provisions, may order an Agent to make the proportions, as he has business enough without having that addition.—The Account states the number of days' provisions, in bread, beef, beer, pork, pease, oatmeal, butter and cheese, for the various ships (the names of which, and of the numbers of men actually on board, are here given) composing the 6 divisions of the Fleet. With regard to 15 out of the 88 ships, there are no details, either of men or provisions. Their names are the *Devonshire*, *York*, *Plymouth*, *Breda*, *Cornwall*, *Monck*, *Chatham*, *Royal Oak*, and the fireships *Roebuck*, *Hawk*, *Griffin*, *Half-Moon*, *Owner's Love*, *Cadiz Merchant*, and *Lightning*. The *Spy*, with 41 men actually on board, is returned as having 97 days' provisions for 45 men, details not given; and the *St. Albans* has the column for men left blank. The Account is dated St. Helens, 14 May.

May 17 (*h*). St. Helens. . . . . "I also offer to your consideration whether it will not be for the service, that the Victuallers have agents in such places where Her Majesty designs the Fleet shall come to recruit with fresh water, to supply the Fleet with fresh meat for some days, and green Trade in lieu of salt. I do not know whether it would not very much forward the recovery of the sick men, put on board the hospital ships, if some officer belonging to them might have money to buy fresh meat, to help them as they mend, for as it has been hitherto practised, all the nourishment is salt beef and pork, which immediately throws them into the scurvy, whereas a little broth or fresh diet will give them strength." . . .

June 4 (*h*). . . . . Has directed the Commanders to inform him which of their Pursers were away when going to sea, and if he finds them absent on frivolous occasions, he designs to dismiss them and appoint others, unless ordered to the contrary. . . .

July 24 (*i*). Torbay. Has taken in what provisions came by the Victualling ships. . . . Encloses "Abstract of Provisions in the Victualling ships," giving details of what arrived on July 18 on board 22 ships in the Fleet and 11 more at Spithead, besides 400 tuns of beer arrived at Plymouth. The totals are as follows :—Biscuits, 296,704 lbs.; Beer, 3,296 tuns, 2 hh.; Beef, 34,786 pieces; Pork, 19,990 pieces; Pease, 777 bushels, 7 gall.; Oatmeal, 585 bush., 6 gall.; Stock Fish, 86,096 lbs.; Butter, 43,506 lbs.; and Cheese, 53,333 lbs. These totals are distributed in days as follows :—

Arrived—Beer for 24,000 men	-	20 days.
„ Butter and Cheese for do.	-	9 „

Arrived—At Spithead and Plymouth, beer for 24,000 men 10 days.
" Butter and Cheese for do. - - - 17 "
All other provisions to complete to the 27th August 1692.

On July 22 there are in the Fleet and in the Victualling Ships in the Fleet, Beer for 28 days; Butter and Cheese for 6 days, and all other provisions for 37 days.

By letter from the Commissioners dated 5 July 1692, they are likewise lading the whole remainder of the Butter and Cheese for the 4 months, which (they question not) will be with the Fleet before what is already sent will be issued, all which, when arrived, will complete the Fleet for 4 months from 8 May last to 27 August. The Abstract is signed by J. Steventon, and dated Torbay, 22 July.

Aug 9 (*i*). St. Helens. . . . Has ordered the Commanders of such ships as are here, to begin to put the ships' companies to 6 to 4 men's allowance the 10th inst., and will direct Sir John Ashby, whose squadron is just in sight, to do the same, if he has not already done so. The Fleet is only victualled to the 27th inst., but this will lengthen out the provisions about 10 days.

Aug. 17 (*k*). St. Helens. Has received Letter of 13th inst., with the List of the Ships designed for the Fleet with provisions. Those mentioned as under the care of the *St. Albans* prize are arrived, bringing enough, with what is on shore and in the Fleet, to complete the first and second-rates to Sept. 7 at whole allowance, and the third-rates to Sept. 28.

Aug. 21 (*k*). St. Helens. . . . The provisions now with the Fleet and at Portsmouth complete the 3-deck ships to Sept. 7 and the third-rates to Oct. 7.

Aug. 26 (*k*). St. Helens. . . . Some provisions arrived yesterday, which, with what the Fleet has now on board, will complete the first and second-rates to Sept. 21, and the third-rates and downwards to Oct. 21 at whole allowance, which the Fleet is now at.

(VI.) PAYMENT OF SEAMEN.

(*Bounty-Money*) :—

May 9 (*h*). *Russell to Admiralty.* Sir Cloudesley Shovell, in making despatch with his ship, is unable to pay his company bounty money or have their entries settled on the book, and requests that the Navy Board may be authorized to impress 500*l.* into his hands, which he will answer shall be paid to the men. This might be done, if the money was put on board the first ship that comes to the Fleet. It is a very great complaint the men make, especially since they prove sufferers by their diligence, and 10*s.* now would do more kindness than 5*l.* at pay table.

June 7 (*h*). *Russell to Admiralty.* When the Fleet was fitting out at Chatham, the riggers and carpenters, who were entered into the yard out of the ships at their coming in last year, applied to him for their discharge, so as to receive the benefit of the Queen's bounty, by entering themselves voluntarily on board the Fleet. The Service did not admit of this, but he gave them hopes, nevertheless, of receiving the bounty. Recommends their case for direction to the Navy Board to pay the same, especially as most of the work done in ordinary was performed by them.

(*Arrears of pay*) :—

May 15 (*h*). *Russell to Admiralty.* St. Helens. Several ships want their pay. Recommends that they should be paid on their return here. The men make a very grievous complaint about it. . . .——

May 17 (*h*). If money may be sent down to pay the ships which want it, as the rest have been, it will be a very great quiet to the men's minds. The hopes of it brought many of their wives hither, who are all gone railing to London without money to support their families. . . .

(VII.) Address of Loyalty.

May 15 (*h*). *Russell to Admiralty*. . . . "I wish hourly for an occasion to try our officers, who, I hope, will answer what is expected from them. . . . L. Nottingham having signified to me it was Her Majesty's pleasure the Officers of the Fleet should know that, notwithstanding many reports were spread in town to their disservice, as if several of them had given assurances of their concurrences with the present disaffected persons in England, but that her Majesty was pleased not to believe there was any amongst them of such ill principles, they have signed a Paper, which they have desired me to beg the favour of you to present to her Majesty, with all imaginable assurances of their loyalty and fidelity."

Subjoined is a Copy of the Address referred to, which is printed *in extenso* in the *London Gazette*, No. 2767, and in *Burchett's* Naval History, p. 464. The 64 signatures * comprise the 54 names marked with an asterisk in the tabular Statement of the Line-of-Battle (pp. 227–9), together with Admiral Ashby, Vice-Admirals Delavall and Rooke, and Rear-Admirals Shovell and Carter, and the following Commanders, whose ships are taken from the Admiralty "List Book, 6 April 1692 to 5 May 1695" (Lists of 1 May and 1 June 1692) in the Public Record Office, their signatures, as here spelt, being given in square brackets, viz.:—

Rd. Griffiths [Griffith]	*Mary* galley.
John Fletcher	2nd Captain of *Britannia*.
Wm. Vickars	*Dragon*.
Jno. Jennings	*Experiment*.
John Hailes [Hayles]	*Virgin* prize.

VIII. Offences, Courts Martial.

Russell to Admiralty, viz.:—

(*Lieut. Holmes*):—

May 17 (*h*). Recalled his commission to Mr. Coulsea, as second lieutenant to the *Chester*, on learning that the Board had appointed Mr. Holmes, who was turned out of the *Dragon*; but has since dismissed Holmes, who came on board this day, without accounting satisfactorily for his absence, Capt. Gillam reporting that he had sent him word by his gunner, that he refused to return to his duty till he had fought Capt. Wright, his former commander.

(*Lieut. Warren*):—

June 4 (*h*). Will examine Lieut. Warren of the *Royal Katherine* as to the complaints made against him, and send him up, if so directed, to the Board. . . .——June 9 (*h*). Will send him up, as ordered, but must appoint another Lieutenant to the ship, whether he is found faulty or not, unless he returns before the Fleet sails.

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* "It would have been of some use," writes Campbell (Lives of the Admirals, IV. 232, *note*), "if the names of the Captains signing the Address had been printed; of which I take notice, in order, as far as it is in my power, to prevent omissions of the like kind, which defeat us of lights in history, which are often of more consequence than perhaps the writers of the Gazettes can imagine."

(*Loss of Swallow*) :—

June 4 (*h*). Will enquire into the late loss of the *Swallow*, as soon as Capt. Bridges has found the witnesses for him at his trial for it, whom he is looking for in the Fleet. . . .

(*Loss of Happy Return*) :—

May 28 (*h*). Has been often pressed by Capt. Pickard, who was taken in the *Happy Return*,* to be tried for his behaviour, but could do nothing, having no directions. Pickard came to serve this summer with him, but not having room, being full of volunteers, he sent him on board Capt. Churchill, who reports that he not only behaved with courage during the engagement, but served with great activeness as master and boatswain, the former being unserviceable by age, and the latter wounded. He came twice to him during the fight, and had no fear about him. Sent him to sound Le Hogue Bay, when he brought a very satisfactory account, and afterwards in with Vice-Admiral Rooke, when he commanded the boats, which did all the service that was there performed. Should be glad, for the poor man's sake, he might be either condemned or acquitted.——June 9 (*h*). Will enquire, as directed, into the loss of the *Happy Return* as soon as possible. . . .

(*Pilots of York, Dunkirk, and Harp Ketch*) :—

Aug. 17 (*k*). Has directed the Judge Advocate to prepare information against the pilots, as ordered, for running their ships on shore.——Aug. 21 (*k*). Yesterday a Court-Martial was called to examine the pilot of the *Dunkirk*. Has directed the Judge Advocate to transmit proceedings. The pilots of the other ships he heard nothing of.

(*Misconduct during Battle*) :—

June 4 (*h*). Has dismissed this day the first Lieutenant of the *Sandwich*,† and designs to dismiss tomorrow the first Lieutenant of the *Hampton Court*, for running from the Fleet with their ships during the engagement; the Commander of the former being then killed, and Capt. Graydon of the latter, rendered incapable by his hurt of taking charge of her.

(*Chester and Swiftsure*) :—

Aug. 21 (*k*). Yesterday a Court-Martial was called to examine a complaint (1) of the gunner of the *Chester*, and (2) of the second Lieutenant of the *Swiftsure*.‡ Has directed the Judge Advocate to transmit proceedings.

(*Dover*) :—

Aug. 23 (*k*). . . . Desires that James Atkinson and Thos. Braddy, who have been prisoners on board the *Burford* some months for some disorders committed on the *Dover*, may be pardoned, Capt. Harlow having certified that they behaved very well in the late engagement, wherein both of them were wounded.

(*Wolf, Goodwin prize, Captain and Deptford*) :—

Aug. 28 (*k*). Will comply as soon as possible with Order of 25th inst. for trying the late Commander and gunner of the *Wolf* hired ship, Capt. Audley of the *Goodwin* prize, and James Reeves, master's

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* "Deal letters say that Capt. Fitzpatrick in the *St. Albans* has retaken the *Happy Return*, which the French took from us some time since." (*Luttrell*, April 28.) The Admiralty had ordered Pickard's trial on March 10. (*Ib.*)

† Lieut. Bernard Darby. *See* Oldmixon, III. 73, 74.

‡ Lieut. Pike. He was tried for running into the hold during the battle, and dismissed the service, after being carried in a boat, with a halter round his neck, to each ship in the Fleet, where his crime was read. (*Luttrell*, Aug. 23.)

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mate of the *Captain*. Will inquire into the information against Capt. Kerr, for beating the Clerk to the Agent for sick and wounded at Plymouth, and report, as soon as the *Deptford* arrives from Plymouth.

(IX.) Appointments and Promotions.

Russell to Admiralty, viz.:—

May 27 (*h*). "Here are several men in the Fleet that extremely well deserve preferment. If you have any commands to dispose of, I should be glad to know it. God be praised, in the Fleet there are very few vacancies. The nation has lost a good officer of Hastings; the King might better have spared a fourth-rate frigate, so much value I set upon him." Has given Capt. Tayler, whom the Board turned out of a ketch, his letter of recommendation. Tayler was with him in the fight, and behaved most extremely well; he is very brave, and a seaman, and well deserves a sixth-rate, if there is one to dispose of.

June 1 (*h*). Will send the names of those in the Fleet who deserve preferment. There are two fireship Captains who behaved very well, for whom he cannot provide in the Fleet, but hopes they will meet with some encouragement.

June 4 (*h*). . . . As to the account desired of the names of such as signalised themselves in the late engagement, he cannot give any particular information, for those who had an opportunity of doing their duty, did it, but without its being attended with anything remarkable or extraordinary, nor can he accuse those who could not come in to take their share, because, in his opinion, they did their utmost. . . . Will very suddenly recommend for the command of the *Charles* and *Cygnet* fireships, fitting out at Deptford, two such captains of the fireships which were burnt in service against the enemy without doing execution, as he shall find made the best attempts to burn their ships effectually. . . . Will send an account of those who deserve preferment, and hopes they will obtain the preference as employments fall.

June 9 (*h*). Captains Jumper, Littleton, Napp, Emms, Greenway, and Fowles [*see* p. 206, (*Fireships*)] have all certificates from their respective Flags of their behaviour in the time of service; their ships were lost, some by attempting to do service, and others by accidental shot, and doubtless they ought to be employed. As to rewarding, he has been much pressed to give money to those who attempted service, as well as to those who did it, but being of a contrary opinion, he leaves it to the Board's consideration. Believes they are good men and ought to be preferred, which he would have done, had he any vacancies; but having only one, he designs to fill that up by Capt. Heath. Captains Jumper, Littleton and Emms showed themselves very active in the boats at Le Hogue, after their ships were burnt, where the two latter were wounded.* Has given the Captains, Officers and seamen of the ships that burned any of the enemy's ships, a reward in money, and shall, as occasion offers, prefer them. Meanwhile he has ordered the Commanders to attend the Board.

July 30 (*i*). . . . Acquaints the Board, in reply to their letter of 23 July, that he has made Capt. Hancock Captain of the *Griffin* fireship, in place of Capt. Partridge. The *Centurion* cruising off Cape Clear, he cannot send up Mr. Meads, the second Lieutenant, to receive a Commission as first Lieutenant of the *Lumley Castle*, but he has ordered Capt. Gardner to send Lieut. Peacock of the *Neptune*.

* "The Queen has ordered gold chains and medals to be prepared for the captains of the fireships that burned the French ships." (*Luttrell*, 26 May 1692.)

(*Convoy for Turkey Fleet*) :—

Aug. 25 (*k*). St. Helens. . . . There is a report here that Capt. Coall, in the *Dreadnought*, is to command the designed Turkey convoy, but he gives no credit to it, believing that, in case such a convoy was intended, the Board would appoint Capt. Leake, now Commander of the *Eagle*, whom he recommended some time since, and feeling sure that, if Capt. Coall had been preferred, the Board would have informed him of the fact. Besides, he flatters himself they will show some favour to his recommendations, for being well acquainted with the Commanders in the Fleet, he has also had this summer an opportunity of seeing who are most deserving of favour. It was for this reason that he so early recommended Capt. Leake (who himself would think it a favour), and hopes they will believe him, as he does, worthy, if there were occasion of having partiality shown to him.

(X.) TRANSPORTS, &c., FOR DESCENT.

(*Transports from Bristol with troops from Ireland*) :—

Admiralty to Russell, viz. :—

May 26 (*e*). To send 2 small frigates to Bristol, for convoying such transports as are there to Portsmouth.——June 1 (*e*). To send a convoy, if not already sent, towards Bristol to meet the transports and convoy them on to Portsmouth, and failing to meet them, to proceed to Bristol and convoy such transports as shall be there, bound for Portsmouth.

Russell to Admiralty, viz. :—

June 2 (*h*). Will comply with above Order of May 26, as soon as the weather will permit, but cannot yet give the two ships' names.—— June 4 (*h*). Will send a convoy to Bristol, as soon as he has any ships fit for the service, which he hopes will be in a day or two.

Admiralty Orders to following :—

May 26 (*e*).—To Capt. John Leader, of the *Chatham*, at Falmouth. To sail with his ship and the *James* galley to Bristol, and convoy the transports there to Portsmouth, keeping near the land to avoid privateers. If he meets with them, in convoy of the *Richmond* or *Dolphin*, on the way, he is to take the transports under his charge, leaving the *Dolphin* to her former orders.* The *Richmond*, whether met at Bristol or on the way, is to be left to return to Chester Water.

May 26 (*e*). To Capt. Davidson, of the hired ship *Bonadventure*, at Spithead. To sail with his ship to Bristol, and convoy the transports there to Portsmouth, keeping near the land to avoid privateers. If he meets with them in convoy of the *Dolphin*, on the way, he is to take the transports and *Dolphin* under his charge. Same order as preceding, with regard to the *Richmond*. If he meet with the *Chatham* and *James* galley, he is to take them also under his command.

May 26 (*e*). To Capt. Elves, of the *Richmond*, at Chester. To sail at once to Bristol and, together with the *Dolphin*, if there, and if not, without her, to convoy the transports there to Portsmouth, unless the *Bonadventure* or the *Chatham* and *James* galley shall arrive with him before he sails from Bristol, in which case he is to leave the transports under their charge and return to Chester Water.

June 15 (*f*). To Capt. Kercher, of the *Dolphin*, at Bristol. To continue with the transports at Kingroad, and leave them to the convoy ordered by Admiral Russell, when it arrives, and then proceed with his

* *See* Part I. (May 26) of Paper (*a*) above.

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ship and the ships bound with corn for Ireland, according to his former orders.

June 22 (*f*). To the Commanders of the ships ordered by Admiral Russell to convoy the transports from Bristol to Portsmouth, at Biddeford. To sail to Milford, where the transports are with the *Dolphin*, and convoy them with all possible despatch to Portsmouth, leaving the *Dolphin* to execute such orders as she has received from the Board; but if, on arriving at Milford, they find the transports already sailed, they are to execute the Orders given them by Admiral Russell. *Memo:* The like sent by express to Bristol, Barnstaple and Minehead.

June 22 (*f*). To Capt. Kercher, of the *Dolphin*, at Milford. To continue with the transports at Milford (where, it is said, he now is) until some other of the ships appointed to convoy them shall arrive there, and then leave them under their convoy, and make the best of his way to Chester Water, sending an account when he leaves Milford.

(*Shipping from the Thames.*)

June 3 (*e*). *Admiralty to Russell.* To send some ships to the Nore, with directions to bring from Deptford and transport (pursuant to Queen's orders) to the Fleet, the 40 shallops lately built in the River.——
June 5 (*h*). *Russell to Admiralty.* Will send the ships, as ordered, but cannot judge of what use the shallops can be in the Fleet, till matters are in readiness for the intended descent.

Admiralty Orders to following:—

June 20 (*f*). To Transport Commissioners. The *Breda* and *Dunkirk*,* which are designed to convoy the transports to Portsmouth, being now at the Nore, they are to send the names of all the transports as are now, or shall arrive, at the Hope, so that the shallops also may be sent thither.

June 27 (*f*). To Capt. Benbow, Master-Attendant of Deptford Yard. To hasten away the shallops to the Hope, even if they have only 2 watermen each, and leave orders for the rest of the men to follow.

June 27 (*f*). To Capt. Lambert, of the *Breda*, at the Nore. To sail at once to the Downs, without waiting for the transports.

June 28 (*f*). To Capt. William Orton, of the hired ship *London Merchant*, at the Nore. To convoy to the Downs such transports as are in the River, and particularly the 40 ships (List subjoined) appointed to tow the new shallops, as also the *Carolina* and *Resolution*, laden with naval stores, all bound for Portsmouth, and on reaching the Downs, to follow the orders of the *Breda*, if there, otherwise of the *Reserve*.

June 28 (*f*). To Capt. Lambert, of the *Breda*. To take with him from the Downs the *London Merchant* and join with her in convoying from thence to Spithead the transports and store-ships, if still there, together with the *Unity* pink and *Morgan and Ann* hoy, laden with naval stores, and any other ships there and ready to sail, and then send back the *London Merchant* to the Downs for any other ships that may be ready. If the convoy has already sailed, he is to go to Spithead and await further orders.

June 28 (*f*). To Capt. Crawley, of the *Reserve*, at the Downs. To take the place of the *Breda*, if the wind allows of his sailing for Spithead before she arrives in the Downs, and if not, to leave the *Breda* to follow her orders, and remain himself in the Downs.

July 1 (*f*). To Capt. Orton, of the *London Merchant*. To take with him, under his convoy, any ships at the Nore or thereabouts, laden with Ordnance stores, which are ready to sail.

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* *See*, as to the *Dunkirk*, under PARTICULAR SERVICES (*Transports for Holland*).

July 1 (*f*). To Sir Edward Gregory, Knt., Commissioner of the Navy at Chatham. To send the Master-attendant of the Yard to Sheerness, with directions to hasten out from thence the 40 shallops to the transports at the Nore, which are to tow them to Portsmouth.

July 7 (*f*). To Capt. John Main, of the *Plymouth*, Capt. James Killigrew, of the *Sapphire*, and Capt. Thos. Warren, of the *Crown*, all in the Downs. To join the *Breda* and follow her Captain's orders for convoying the transports and shallops to Portsmouth, together with such other ships as are bound that way.

July 22 (*f*). To Capt. G. Mease, of the *Ruby*, at Spithead. To take with him for Admiral Russell, on returning to the Fleet, the 40 new shallops lately sent to Portsmouth, and supply them with what men he can spare out of his squadron, for manning them on the way, applying to Commissioner Wilshaw for the rest.

July 22 (*f*). To Thos. Wilshaw, Commissioner of the Navy at Portsmouth. To furnish Capt. Mease with what additional men he requires out of the *Breda*, *Plymouth*, *Devonshire*, and *Russell*.

Russell to Admiralty :—

July 29 (*i*). Met yesterday with the transports on their way from Portsmouth westward. . . .

(*Embarkation of Army*) :—

Admiralty to following :—

July 15 (*f*). To Capt. Mease and the Captains of the other men-of-war at Portsmouth, or coming thither, designed to join the Fleet. In pursuance of Queen's command, signified to the Board on the 13th inst. by E. Nottingham, they are to take on board so many men as shall be appointed by D. Leinster or Sir Henry Bellasis, if there should not be sufficient embarkation for all the men that are to be shipt; and they are also to accommodate the Duke and the other general officers on board their respective ships, as they shall desire, in the best manner they can. They are to demand from the Transport Commissioners victuals for the men while on board, and issue the same accordingly.

July 24 (*g*). To Capt. Lambert, of the *Breda*, at Spithead. To receive the Duke of Leinster on board his ship, if he desire it, with his company, servants, &c., and transport them to the Fleet, leaving the victualling ships to be convoyed by such ships as Capt. Mease shall order, and on reaching the Fleet, to follow Admiral Russell's orders. If the Duke shall not desire to go in his ship, he is to convoy the victualling ships to the Fleet, according to his former Order.

July 24 (*g*). To Thos. Wilshaw, Commissioner of the Navy at Portsmouth. To have deals provided for making platforms to embark the army, the Transport Commissioners either paying, or giving receipts, for them.*

(XI.) MISCELLANEOUS.

Russell to Admiralty, viz. :—

(*J. Seares*) :—

June 4 (*h*). Spithead. . . . Has directed Capt. Munden of the *Lenox* to send up John Seares, a carpenter on board his ship, as ordered. . . .

* According to Luttrell the army consisted of 16 regiments of foot, together with 2 marine regiments, and 1 of horse and 2 of dragoons, the whole amounting to 14,600 men, provisioned for 6 months, with 4 months more to follow. They had with them 60 cannon and 20 mortars, and each soldier received 20*s.* as an encouragement. (*Luttrell*, July 19, 26.)

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(*Stirling Castle*) :—

Aug. 6 (*i*). St. Helens. . . . Their Letter as to the boatswain of the *Stirling Castle* shall be complied with as soon as the ship joins him. . . .

(*King William yacht*) :—

Aug. 13 (*i*). St. Helens. . . . Has received their Order and a Letter of the 10th inst., and will direct the Commanders in the Fleet to stop the *King William* yacht, bound to Jamaica, in case they meet her.*

(*Captains Lambert and Mease: Dispute as to seniority*) :—

Aug. 6 (*i*). St. Helens. . . . Has enquired, as directed, into the dispute between Capt. Lambert and Capt. Mease, and finds, as is set forth in the Admiralty's letter, that the *Breda* came to Spithead with a broad pennant, which he kept up till, after some hours, the Commissioner at the place advised him against it. He also set the watch, though Capt. Mease rode here, commanding 10 sail of ships, and excused himself by saying he thought the command ought to have been his. Suggests that such orders should be given for the future, as may prevent anybody running into the like disorder, on any pretence whatever, and the exposing the government of the sea, by the ignorance of the officers, to foreigners who now sail in their company, one of whom told him the other day that, when he left the Downs, two broad pennants were flying at a time. Capt. Lambert, it appears, expected to have had his post from the date of his Commission in 1664, since when, till he came into the *Newcastle*, he has never been in the Service. By this rule he may, no doubt, if otherwise qualified, stand in competition with anyone for a flag. Knows nothing of the man, one way or another; but if one, who has served in the Navy in time of war, and seeks his bread in the merchant-service when peace comes, may be allowed to claim seniority, that argument will not hold; for those who have been out of the service the last Dutch war and the Algiers war, and did not offer themselves at those times, it seems to him they did not intend the King's service should have their assistance, while they could get bread in so peaceable an employment as the merchant-service generally is; and if they did offer themselves, and were not accepted, that they were thought, by those who then knew them, good for nothing.

(*Complaint by Dutch*) :—

Aug. 6 (*i*). St. Helens. . . . Admiral Almonde has been with him, and complains of two ships having been arrested by our Admiralty. Encloses copy of what is written to him concerning one of them from the Lords of the Admiralty at Amsterdam, and desires an enquiry may be made, the Dutch Admiral seeming to be very uneasy.

Enclosed is "Abstract of the Letter of the Councillors of the Admiralty, at Rotterdam, to Lieut. Admiral Almonde, written the 8 Aug. 1692," viz.:—

"There is also presented to us the enclosed request, concerning the contents whereof we have some account, as if the ship was taken in arrest by order of the Commissioners of the Admiralty, by reason that there should be laden therein some goods out of a small English vessel retaken at the same time by Capt. Wassenaer, and by reason that affair has not come directly before us, we could not write thereupon; but are of opinion that it is so great an informality, and so much contrary to the Convention made between the King of Great Britain and these States, concerning the re-taking of ships, that we presume there must be some

* She put in to Plymouth from the eastward on Aug. 13. (*London Gazette*, No. 2793.)

other reasons of the said arrest, for that it is beyond all contestation, that what is retaken by the ships of the States, must be judged in this country, and we do think that, having informed yourself of the reasons of the arrest, with aforegoing consultations with Admiral Russell, you should endeavour the relaxation, to the end the ship the *Greyhound* may come hither with the first opportunity of convoy.

(*Commanders of Sixth-rates*) :—

Aug. 17 (*k*). St. Helens. . . . Will comply with Order of 13th inst., to allow Masters to all sixth-rates with 60 men and upwards, and all their Commanders in future shall have to pass the Master's examination required in the Navy. Won't pretend to be a very good judge, but in his poor opinion, those small frigates should be commanded by such, who, without great experience, are yet good seamen, to qualify them for larger ships, which would be a sort of nursery to improve their talents.

(*Devonshire*) :—

Aug. 14 (*i*). St. Helens. . . . Has referred the Commander of the *Devonshire* to their Lordships, for orders how to proceed, she not being of the Fleet.

(*Leave of absence stopped*) :—

Aug. 17 (*k*). . . . Has taken care to prevent any Captain from giving leave of absence, on any pretence, to his men, and supposes the Commander of the *Crown*, who has been some time from his ship now in harbour, is away with their Lordships' approval.

(*Oxford*) :—

Aug. 23 (*k*). St. Helens. . . . Will require the Commander of the *Oxford*, as directed, to give account why the Swede was not required to lower his topsails. . . .

(*Correspondence*) :—

Russell to Admiralty, viz. :—

May 13 (*k*). St. Helens. . . . "I have so much business upon my hands at present, that I am not able particularly to answer the several letters and orders which I have received from you, but design to do it tomorrow." . . .

June 4 (*k*). Spithead. . . . "I have hitherto been prevented in answering several letters, which I lately received from you, but do now do it as follows. . . . If I am not so punctual in writing as I ought to be, you will, I hope, pardon it, when you consider the multiplicity of business I am forced to go through here."

(*Complaint by Russell*) :—

Aug. 26 (*k*). St. Helens. The Commander of the *Despatch* brigantine brought him this day their Lordships' order for his proceeding under the Captain of the *Crown*, of which he had no notice from their Lordships. Prays them not to believe that he takes exception at the manner of sending those orders; he only takes leave to remind them that it is not very usual to order ships or vessels from a Flag unknown to him. . . .

(*l*) 6 Dec. 1692. Abstract of proceedings and correspondence, from 26 Feb. to 2 Aug. 1692, relative to the naval operations of the Summer, especially the intended attempt on St. Malo and Brest. Printed *in extenso* in C. J., X. 749–56, but with variations occurring in the following passages, where the original omits the words enclosed within square brackets, and substitutes or adds those marked by italics, viz. :—

C. J., X. p. 749*b*, line 20 . . . "March the 5th. *Orders were sent to the Victuallers of the Navy and Commissioners*

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of Transport, to provide victuals and ships for the men designed for the Descent, March twenty-seven. The Council of War having determined" . . .

p. 749*b*, line 76 . . . "to proceed to Havre-de-Grace and *so* to pursue his former Orders."

p. 750*a*, line 8 . . . "to send him Orders accordingly to sail [for] *to* the rendezvous" . . .

„ line 16 . . "7th. . . *Off the Kentish Knock.* He writes" . . .

„ line 32 . . . "and to attack the French [Fleet], if strong enough" . . .

„ line 35 . . . "and to [have] *leave* some six or seven ships" . . .

„ line 41 . . . "that, [if he had] *had he* not sailed the moment he did" . . .

„ line 46 . . . "anchors behind them. *Thirteenth.** He takes the French design of landing to be at an end" . . .

„ line 49 . . . "but six or [seven] *eight* frigates on Normandy coast will prevent it," . . .

„ line 73 . . . "Hereupon the Queen sent him the Orders of † May 17th, that by leaving some ships" . . .

p. 750*b*, line 15 . . . "May [seventeenth] *nineteenth.* I writ to him that the French were seen" . . .

„ line 22 . . . "20th. *Off Cape Barfleur.* Mr. Russell gives an Account" . . .

„ line 44 . . . "but judges the Downs more proper. [He] *May twenty-three. Mr. Russell* complains of the Queen's Order" . . .

„ line 56 . . . "to be [ready] *readier* to execute the designs he knew of," . . .

p. 751*a*, line 18 . . . "and returned the [one and thirtieth] *thirty-first.*"

„ line 40 . . . "June the first. *Portsmouth.* Mr. Russell writes" . . .

„ line 66 . . . "and proposes some [ship] *ships* to be sent to Chatham:" . . .

p. 751*b*, line 6 . . . "5th. *Spithead.* Mr. Russell writes," . . .

„ line 69 . . . "and what [might] *would* be requisite" . . .

p. 752*b*, line 36 . . . "and ride. In the Channel ‡ six hours makes either side a lee shore." . . .

„ line 54 . . . "and join [him] in the attempt on St. Malo" . . .

„ line 67 . . . "they were in pain for [their] *the* ships at St. Malo;" . . .

p. 753*a*, line 21 . . . "that a squadron [if] *of* it be detached" . . .

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* *i.e.* 13th May. The marginal insertion of this date, at the beginning of a new paragraph, indicates apparently, in this instance as elsewhere, that the words which follow it formed the contents of another and separate letter of 13th May. The same occurs also at line 44 below.

† The asterisks in C. J. are here omitted, and the sentence reads straight on.

‡ In C. J. the words are punctuated wrongly as follows: "and ride in the Channel; six hours," &c.

p. 753*a*, line 39 . . . "which, if cut, the town cannot hold [it] *out*. That there is no damage" . . .
„ line 61 . . . "that, if the design be on [the] *that* place," . . .
„ line 71 . . . "that, though the French might have more *men* than we sent" . . .
„ last line . . . "prevent [their] *the* escape" . . .*
p. 753*b*, line 8 . . . "quality of the Winter Squadron, *which the Admiralty could not do*, not knowing the condition of the ships" . . .
„ line 23 . . . "hazardous to go [on] *in* with our ships" . . .
„ line 31 . . . "and observing that the Queen [resolved] *resolves* to have the destruction" . . .
„ line 35 . . . "to prevent their [getting] *going* to Brest," . . .
„ line 39 . . . "The transport ships are not [yet] come from the River" . . .
„ line 46 . . . "If the tenders are still [wanting] *wanted*, he will send them."
„ line 50 . . . "I hoped the troops [would] *will* be speedily embarked;" . . .
„ line 55 . . . "Mr. Russell had been at sea, but [was] driven back;" . . .
p. 754*a*, line 2 . . . "in my humble opinion, that should be [observed] *resolved*, before the men" . . .
„ line 74 . . . "and hopes the several accounts and informations he sent, might be useful as to the intended Descent. He sent a copy of the Instructions to Capt. Gillam" . . .†
p. 754*b*, line 3 . . . "telling him that part of the St. Malo ships were in the [Race] *Rance*, and the rest were ready to sail." . . .
„ line 30 . . . "that with the wind [westwardly] *westerly* the rendezvous should be Torbay; with the wind [eastwardly] *easterly*, to ply up" . . .
„ line 71 . . . "and destroy the ships [upon] *on* the stocks" . . .
„ line 75 . . . "and therefore should [have been] *be* the last thing to be tried."
p. 755*a*, line 1 . . . "and that he should regard [his] *this* letter" . . .
„ line 3 . . . "who will have the honour of [such] *so eminent* a service."
„ line 44 . . . "agreeable to what I had sent to *him* Mr. Russell" . . .
„ line 46 . . . "disarmed; [and] *that* some others were haled" . . .
„ line 70 . . . "and that he apprehended they were the ships [gone] from St. Malo *gone* to Brest, and that *it* would be too late" . . .

* From ("I entreated him") to ("sea and land officers") is underlined in the original, with the exception of the words ("of the French ships") which are written within brackets.

† In C. J. the words are punctuated wrongly thus: "might be useful. As to the intended Descent, he sent," &c. Capt. Gillam's Instructions related to Newfoundland.

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p. 755*b*, line 7 . . . "Although no French Ships *of war* should be there" . . .*

„ line 13 . . . "that he will not be positive they were *not* French ships" . . .

„ line 21 . . . "if the wind be [westwardly] *westerly*, but if [eastwardly] *easterly*, the Fleet should remain in Torbay" . . .

„ line 45 . . . "that though the Flag Officers are of [an] opinion, that" . . .

„ line 47 . . . "if the summer season [was] *were* not so far spent" . . .

„ line 57 . . . "and resolved that the Fleet lie on [the] *that* coast accordingly" . . .

„ line 63 . . . "July the 29th. *Off Portland.* Mr. Russell writes a very long Letter, with reflections upon the whole, *which is hereunto annext.*† *Hereupon*, July the 31st, the Queen ordered Mr. Russell to detach" . . .

Endorsed as brought in this day by E. Nottingham. Another endorsement states: "Read 20 Dec. 1692. P. J." This clearly refers to its reading in the House of Commons, the initials being those of Paul Jodrell, the Clerk of that House.

(*m*) 8 Dec. 1692. List of Papers delivered to the House this day. This List consists of (i) Council of War, 27 March, 1692, ‡ and (ii) 47 Letters from Admiral Russell (with enclosures) of various dates beginning 1 May and ending 30 July, 1692. The dates of 41 of them correspond with those of Admiral Russell's letters to E. Nottingham, the purport of which is given in E. Nottingham's Abstract or Narrative (*l*).§ The remaining 6, which do not appear to be mentioned in that Abstract, are dated May 1, 4, 5, 9, 11, and June 14 (enclosing Russell's Orders to Capt. Mease). *Endorsed* as delivered in this day by E. Nottingham. *Noted:* March 16, 1692–3. Received then of Matthew Johnson, Esq. [Clerk of the Parliaments] by the hands of Mr. John Walker, the Papers above mentioned for the Earl of Nottingham by me, T. Armstrong.

(*m*[1]) 8 Dec. 1692. List (enclosed in preceding) giving dates of (i) 40 Letters from E. Nottingham, from 3 May to 1 Aug., both inclusive, and (ii) 10 Queen's Orders, from 3 May to 31 July, both inclusive. The dates of 35 of the Letters correspond with those of E. Nottingham's Letters to Admiral Russell, the purport of which is given in E. Notting-

* The original here supplies the following, which is not in C. J.:—"*July* 26. *I writ to him that I supposed he might have already received an account from Wilkins to the same effect, which I enclosed in the Queen's Orders, which were founded on this intelligence; that I hoped Capt. Wilkins was mistaken, and that the St. Malo ships were still there, in which case her Majesty's intentions were that he should pursue his Orders of the fourteenth.*"

† This Letter is not among the Records, and the original Abstract bears no marks of its having ever been actually attached to it. It is, however, given *in extenso* in C. J., X. 721–22, as one of several papers and letters brought in by the Admiralty on 28 Nov. (*Ib.* 717). A Letter of 29 July from Russell to Nottingham is referred to in the List of Russell's Letters (Paper (*m*) below), as "The Results of a Council of War, July 28."

‡ Referred to in Nottingham's Abstract (*l*) as having determined nothing particular in relation to Brest and St. Malo. *See* C. J., X. 749 (March 5).

§ Several of these Letters are printed *in extenso* in the Commons' Journal, *e.g.*, May 27 and June 13 (C. J., X. 717); July 4 (*ib.*, 717–18); July 8 and 10 (*ib.*, 718); July 13 (*ib.*, 719); July 22 and 25 (*ib.*, 720); and July 30 (*ib.*, 722).

ham's Abstract (*l*).* The remaining 5, which are not mentioned in that Abstract, are dated May 10, 14, 23; June 10, and one of July 17. The Queen's 10 Orders are all given in E. Nottingham's Abstract, under the same dates,† as Orders to Admiral Russell.

(*n*) 10 Dec. 1692. Letter from Admiral Russell to [Sir John Ashby, Admiral of the Blue], as follows:—"Sir, I acquainted you this day that I designed to follow the enemy's fleet through the Race of Ornay [Alderney], if they put through it in the night; but having since received Lord Admiral Almond's opinion thereon, and discoursed Sir Ralph Delavall, I think it will be more safe to go about the Gasketts [Casquetts]; but if they put through the Race in the daytime, I design to follow them. I therefore send you this notice thereof, and desire that you will immediately give directions to all the Commanders in your squadron to use all possible diligence in the getting up their anchors when the tide of flood is done, and to do their utmost to come up with and destroy the enemy. I am, your very humble servant, RUSSELL." *Dated* 20 May, 1692. [Referred to in Ashby's examination this day. *See* Notes above.]

(*o*) 17 Dec. 1692. Paper of Heads reported from the Committee this day. Begins "Before the Battle"; Ends "Coast of Ireland." Printed *in extenso* in L. J., XV. 153–7, and, with several inaccuracies, in C. J., X. 756–9. The text in L. J. has also two mistakes, viz.:—

p. 153, line 13. "May 3" should be "May 13."

p. 155, line 10. "in that place" should be "on that place."

Endorsed as read 19 Dec. (L. J., XV. 153), and again, with the initials of P[aul] J[odrell], on 20 Dec. (C. J., X. 749).

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* Some of these Letters are printed *in extenso* in the Commons' Journals, viz., June 29 (C. J., X. 717), July 4 (*ib.*, 718), and July 17 (*ib.*, 720).

† Two of these Orders are printed *in extenso* in the Commons' Journal, viz., July 14 (C. J., X. 720) and July 26 (*ib.*, 722).

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612. Nov. 29. Eyre's Estate Act.—Amended draft of an Act for the sale of the Estate of Antony Eyre, Esq., deceased, for payment of his debts and portions for his children. The only amendments of importance are to empower the trustees, whose names are inserted in the spaces left blank, to give two-fifths (instead of half) of the moneys to be raised by sale to Thos. Eyre, and the remaining three-fifths equally to Jane Eyre, Ann Eyre and Antony Eyre, instead of giving them each one-third of the other half. (Com. Book, 8 Dec.) [Read 1ª this day ; Royal Assent 20 Jan. 1692–3 (L. J., XV. 128, 192). 4 W. & M. c. 3. in Long Calendar.]

613. Nov. 30. Severn Fishery Bill.—Draft of an Act for the repealing part of an Act made in the 30th year of King Charles II. for preservation of fishing in the River of Severn. Whereas by an Act of Parliament made in the 30th year of the reign of the late King Charles II., intituled An Act for preservation of fishing in the River of Severn, it was amongst other things enacted, That in any part of the said River below Gloucester Bridge it shall not be lawful to use any nets above such a length and breadth, under such penalties as in the said Act are mentioned, which restraining of the length and breadth of nets is not anywhere else practised, though in much more inconsiderable rivers, and is a bar to all the ancient rights and privileges of the King, Lords and other ancient proprietors of the said river ; Be it enacted, &c., That from and after the end of this present Session of Parliament, so much of the said Act as relates to the restraining the length and breadth of nets from below the said Gloucester Bridge only shall be and is hereby declared and enacted to be null and void, anything in the before-mentioned Act to the contrary thereof in anywise notwithstanding. [Read 1ª this day (L. J., XV. 129). Dropped after commitment * on 12 Dec. (*ib.*, 143). No proceedings in Com. Book.]

614. Dec. 1. L. Lucas' Privilege (M. Carroll).—Affidavit of Maurice Carroll sworn this day, stating his arrest. *Dated* 29 Nov. L. J., XV. 131.

Annexed :—

(*a.*) Dec. 9. Petition of Marmaduke Johnson. Acknowledges his offence in serving a warrant of execution on Carroll, and prays to be discharged. L. J., XV. 139.

615. Dec. 2. E. Thanet's Privilege (J. Willisell).—Petition of John Willisell, of Silsden, co. York, to Thomas, E. Thanet. Petitioner having to serve claims for his Lordship, whose servant he has been for 16 years, on several persons in the manor who denied his Lordship's title, among others on William Jennings, a late pretended attorney of the Court of Common Pleas, though in reality he was never bred to any employ but husbandry, Jennings on 29 Sept. last caused him to be arrested and refused to discharge him until Petitioner's wife paid him 3*l.* and promised that her husband should desist from claiming his Lordship's right. Petitioner persisting in his demand, Jennings combined with one Gregson, of Manningham, in the parish of Bradford in Yorkshire, formerly a potter and now a pretended attorney, and Thomas Fearnley, his son-in-law, and John Whittingham, their bailiff, to undo him, and on 25 October last, in the absence of his Lordship's steward Mr. Thos. Carleton, caused him to be arrested at the suit of Whittingham, although he did not owe Whittingham a farthing, and kept him prisoner for

* The MS. Min. of 12 Dec. state that the Bill was "committed to the presents."

14 days till he paid 40*l.* bail, and after his discharge, Fearnley again arrested him, and kept him till he paid 20*s.* for his liberty, for which last arrest the Court of Common Pleas has ordered an attachment against Fearnley. Prays his Lordship for relief. *Unsigned.* L. J., XV. 132. [*John Willisell*, being sworn at the Bar this day, said he told those who arrested him he was his Lordship's servant. "They arrested me, pretending a debt of 40*l.* He threatens to ruin me. I owe him nothing, only an entry of claim" (MS. Min.). On 29 Dec. *Fearnley* and *Whittingham* were called in "and kneeled, and being reprimanded for their offence" (MS. Min.), were discharged, on motion by E. Thanet. (L. J., XV. 164)].

Annexed:—

(*a.*) 29 Dec. Petition of Thomas Fearnley for his discharge, he having begged the Earl's pardon, and been forgiven. L. J., XV. 164.

(*b.*) 4 Jan. 1692–3. Similar Petition of John Gregson. L. J., XV. 172.

616. Dec. 3. Oxford University (Confirmation of Charters &c.) Additional Bill.—Draft of an Additional Act for Confirmation of the Charters, Liberties and Privileges of the University of Oxford. Identical with the Bill of 11 Jan. 1691–2. *See* No. **523.**. [Read 1ª this day (L. J., XV. 133). On 10 Dec., the House, on motion, ordered Counsel to be heard for the Corporation and the University of Oxford on the 19th (*ib.*, 141). On the 13th the hearing was put off to the 23rd, when all the Judges were ordered to attend (*ib.*, 146); but on the 23rd, *E. Abingdon* and the *Bishop of Oxford* having informed the House that the Town and University had agreed, and hoped so to amend the Bill in Committee, the Bill was read 2ª and committed (*ib.*, 162). The Committee met on 2 Jan., E. Warrington in the Chair, and 9 Jan., M. Halifax in the Chair, but each time only to adjourn, the last adjournment being to 11 Jan. (Com. Book). Nothing further recorded, and the Bill thus dropped in Committee.]

617. Dec. 5. E. Manchester and another *v.* L. Brooke (Privilege).—Petition of Charles, Earl of Manchester and William Pierrepont, on the behalf of themselves and their wives, the daughters and co-heirs of the Right Hon. Robert, late Lord Brooke, deceased. The late L. Brooke, by a codicil made in 1674 to his Will of 1667, left to his two daughters, after payment of his debts and funeral expenses, all sums owing him at his death, to be paid in equal shares at their marriage. His wife Anne having renounced the executorship, the present L. Brooke became executor, as directed by the Will, but refuses to account with Petitioners for the personal estate out on securities, and insists on privilege, although only an executor and trustee for creditors and legatees. Pray for leave to proceed against him. L. J., XV. 134. [In Committee for Privileges, to whom the Petition and Answer were referred on 25 Jan. (L. J., XV. 200), L. Stamford in the Chair, Counsel were called in on 27 Jan. *Sir W. Williams* (for E. Manchester): The case is, whether privilege or not. As our legacy is a specific legacy, yet it comes after the debts and funeral expenses. We are to have an answer to those debts, &c. The question is, whether my Lord is more than a trustee. It is manifest when my Lord is joined with others, he is only a trustee, that is, executor in trust. He has nothing in his own right. We can never discover these debts, but by knowing what he will answer. *Mr. Ward:* I take this is whether L. Brooke is in the nature of a trustee, or has a right in himself. The Will was made 1667. *The*

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Solicitor-General (for L. Brooke): We are to show you that the L. Brooke is interested otherwise than as trustee. This is purely a question of interest, and nothing else. *Sir Thomas Powys:* It is a question of interest between two devisees. Over and above what the L. Brooke offers to do, if a trustee has an interest as well as [being] a trustee, you allow the privilege. This is of the nature of the same as the Bishop of Coventry and Lichfield's case,* where privilege was allowed. Say the gentlemen on the other side: All the debts must be paid out of the personal estate. We say and shall prove it is to be paid out of the moneys at interest. It is purely a question of interest and nothing else. They withdraw. Part of the Will and Codicil read. *Proposed* to report that upon examination of the Petition of E. Manchester and L. Brooke's Answer, the Lord Brooke hath a claim of an interest, and it is triable at law, and that he hath privilege. *Proposed* to report that the Committee is satisfied the L. Brooke hath privilege. *Ordered* to report sustaining his privilege, &c., as in L. J., XV. 205 (Priv. Book, 27 Jan.)]

Annexed:—

(*a.*) 9 Jan. 1692–3. Answer of Fulke, Lord Brooke. The late L. Brooke, after leaving several legacies by his will, devised the rest of his personal estate to the person who, by force of the settlements recited in the will, should be owner in possession of Warwick Castle, which happens to be Respondent. Respondent has offered and is ready to account for the money out on securities at interest, deducting the debts and funeral expenses, but Petitioners are not satisfied with this, and would have all the money out at interest discharged of testator's debts and funeral expenses. Petitioner, to prevent a suit for this unjust claim, insists on his privilege, and prays their Lordships to uphold it. *Endorsed* as brought in this day. *See* L. J., XV. 200.

618. Dec. 6. Protections (E. Scarborough).—Copy Protection of John Slaughter of Rochester, Plumber, by E. Scarborough, and Certificate of Sir John Marsham, Bart., Sheriff of the said County, dated 29 Nov. 1692, that the said Protection remains entered in his Office and was allowed in the time of Thos. Adrian, Esq., being sheriff. *Underwritten* is a Certificate of Richard Gates, of Clements Inn, Gent., sworn 30 Nov. 1692 before William Gregory, that on his making search in the Sheriff of Kent's Office for the Protection, the above Copy and Certificate were delivered to him. [The House this day ordered Slaughter to be attached for counterfeiting E. Scarborough's Protection (L. J., XV. 135). No further proceedings.

The matter of Protections had been before the House on 17 Nov., when, upon reading the Protections entered in the Book, all the Lords who had Protections entered therein, were ordered to attend on the 21st (MS. Min.; L. J. XV. 114), for which day also a Call of the House had been ordered on the 14th (*see* No. **603**). On the 21st, after the House had been called, the names of the Lords who had given Protections, and of the persons so protected were read. *Moved* to declare the E. Lincoln's Protections vacant. *Mr. John Smart* was called in, and said he showed the E. Lincoln the order and he kept it. After debate, *Question* put: Whether the Protections given by E. Lincoln, and entered in the Book, shall be now vacated? Resolved in the *Negative*. Contents 27; Not-Contents 36. Tellers E. Macclesfield and E. Ailesbury.

* D. Southampton *v.* Bp. of Lichfield and Coventry. L. J., XIV. 546.

The House then ordered E. Lincoln and several other Lords to attend and give reasons for protecting certain persons. (MS. Min.; L. J., XV. 119).

On 22 Nov., *E. Huntingdon* owned his servant [Henry Griffith. L. J., XV. 120].

E. Denbigh owned one [Ford Rogers. *Ib.*, 120], and struck out [Thomas] Bowyer.

D. Norfolk disowned [Francis] Gay, and struck out [John] Browne.

E. Montague owned [William] Wing.

L. Lexington owned his Protection, [Benjamin Adams. *Ib.*, 120].

D. Northumberland said he had struck out his Protections, and asked pardon of the House as in L. J., XV. 122.

* *E. Oxford* asked the opinion of the House whether he may protect one that is his Solicitor, being a person that he can trust in his business.

The Clerk to take notice that the Protections of these following (*sic*) are vacated. House *Moved*, that no written Protections be allowed to those that do not need them. Order for E. Lincoln's attendance read.

E. Lincoln said he thought he had liberty to protect 16 servants. He was sorry. He said Drue Deane, Benjamin Rawson and Barbara Roch were not his servants, but owned Richard Coney and Peter Dugna. He asked pardon, &c., as in L. J., XV. 122. (MS. Min.)—Subsequently, *L. Keveton* (23 Nov.), *E. Carlisle* (24 Nov.), *E. Exeter* (26 Nov.) and *L. Lovelace* (28 Nov.), each attended, pursuant to the Order, and struck out their Protections (MS. Min.; L. J., XV. 123, 124, 126, 127).]

619. Dec. 6. Molyneux's Estate Act Amendment Act.—Draft of an Act for the rectifying a mistake in a certain Act of this present Parliament passed in the year 1691, intituled An Act to vest certain lands of William Molyneux, Gentleman, in Trustees for raising the sum of 2,000*l.* for paying the portions to his younger brother and sisters, pursuant to a Decree in the Court of Chancery. No amendments by the Lords. The Commons' amendments are merely drafting ones. [Read 1ª this day; Royal Assent 20 Jan. 1692–3. L. J., XV. 136, 193. 4 W. & M. c. 11. in Long Calendar. Com. Book, 9 Dec.]

620. Dec. 7. Attwood's Estate Act.—Amended Draft of an Act to enable Abell Attwood to sell some lands to pay debts and make provision for younger children. The Lords' amendments, which appear to have been offered in Committee by Sir Francis Winnington (Com. Book, Jan. 6, 18) were to insert the date of the commencement of the trust and the names of the trustees, to restrict the power of the trustees to disposing of the premises in fee, by omitting the words "or otherwise, as they shall think fit," and to add the concluding provisions for the disposal of the money raised by such sale. The Commons made no amendments. [Read 1ª this day; Royal Assent 14 March, 1692–3. L. J., XV. 136, 289. 4–5 Will. & M. c. 43. in Long Calendar.]

Annexed:—

(*a.*) 21 Jan. 1692–3. Lords' Amendments to the Bill. [Made in Committee 18 Jan.† (Com. Book), and reported this day. (L. J., XV. 194).]

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* This entry is expunged in MS. Min. The House on 7 Nov. 1691 had disallowed Protections to all Attornies and Solicitors. *See* L. J., XIV. 637, and Calendar, 13th Report, No. **423.**

† The Bill was committed on 14 Dec. to the Committee on V. Villiers' Bill (L. J., XV. 147), and the Committee was revived on 31 Dec. and 10 Jan., on which last date there were added to it the L. G. Chamberlain, E. Bath, E. Rochester, E. Rivers, and L. Wharton. (MS. Min.)

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621. Dec. 7. Sir G. Parker's Estate Act.—Amended Draft of an Act to enable Sir George Parker of Ratton, in the County of Sussex, Bart., to make a settlement upon his marriage, notwithstanding his minority. The Lords' amendments (Com. Book, 12 Dec.) are to insert the word "Ratton" in the last clause, and to make a purely verbal addition. No amendments by the Commons. [Read 1ª this day; Royal Assent 20 Jan. 1692–3. L. J., XV. 136, 193. 4 W. & M. c. 9. in Long Calendar.]

622. Dec. 7. Jones *v.* Hellyer.—Petition and Appeal of Elizabeth Jones, Relict and Executrix of Cadwallader Jones, Esq., her late husband, deceased. Cadwallader Jones, father of Appellant's late husband, being seized in fee, in right of his wife Anne, of the manors of Swood and Yatton, *alias* Swood Yatton, Farrington and Milverton and other lands in Somersetshire, settled the same on 18 April, 1659, on trust, *inter alia*, after the death of himself and wife, to raise 4,000*l.* to be divided equally among their children (their eldest son excepted), at the age of 21, and 200*l.* a year for their maintenance and education meanwhile, with a proviso enabling him or his wife to revoke or alter any of the said sums or portions and appoint so much as should be revoked to be paid to any of their younger children. George Hellyer marrying their daughter Dorothy during their lifetime, it was agreed that he should have 1,000*l.* portion out of the lands, and her father gave him a bond of 2,000*l.* therefor. The father soon afterwards died, and Hellyer not being satisfied with his security, induced Jones' son, Petitioner's husband, to seal a further deed for that purpose, after inserting by artifice a clause for payment of interest. Petitioner's husband in 1687 brought a Bill in Chancery against Hellyer to be relieved, but the Lords Commissioners on 18 Oct. 1689 decreed him to pay 450*l.* with interest. Hellyer died pending the cause, leaving his wife Cecilia, Jacob Twiford, Edw. Dawes, Gerrard Newcourt and Walter Sisselle his executors, against whom the cause was revived first by Petitioner's husband, and after his death by Petitioner; and the Lords Commissioners, on a rehearing on 21 Oct. 1692, confirmed the former decree. Prays that this Decree may be reversed, and Respondents ordered to answer. *Signed* by Appellant; *Countersigned* by Wm. Whitelocke and James Sloane. L. J., XV. 137. [The Cause was heard, and the Decree affirmed on 7 March 1692–3, *Sir William Whitelocke* and *Sir Thomas Powys* being for the Appellant, and *Mr. Finch* for the Respondent. (MS. Min.; L. J., XV. 279.)]

Annexed:—

(*a.*) 21 Dec. Answer of Respondents. Recite the terms of the deed of settlement. Dorothy came of age in 1666, when the portion became due, but the same could not then be raised, her parents being alive. After their death, Hellyer agreed to accept from their son and heir, Appellant's husband, in lieu of the principal and interest, then amounting to 2,140*l.*, the sum of 1,700*l.*, of which 1,150*l.* was to be paid down, 450*l.* secured by two bonds, and the remaining 100*l.* on his promise. This agreement was made without any ill practice or contrivance, and was much to Hellyer's disadvantage. Appellant has been ordered to pay 632*l.* Respondents are executors in trust for Hellyer's children, and have little or no provision for them but this sum. Pray that the Appeal may be dismissed with costs. *Signed* by Cecilia Duke and the other Executors of Hellyer above named. *Countersigned* by John Keene. *Endorsed* as brought in this day.

(*b.*) 21 Feb. 1692–3. Petition of Appellants for a day for hearing, and that, as Respondents live above 130 miles from London, the day may be a fortnight hence at least. *Unsigned.* L. J., XV. 242.

623. Dec. 8. Otterington *v.* Hayes.—Petition and Appeal of John Otterington, of the city of Dublin, in the kingdom of Ireland, Gent. On the marriage of Appellant's daughter Mehitobell with the Respondent in 1674, it was agreed that Respondent should pay and secure 2,000*l.* to Appellant, which, together with the same amount added by Appellant as a portion, should be left in Appellant's hands for the purchase of lands for a jointure and maintenance for his daughter and for the benefit of the issue of the marriage, as Counsel should advise, Respondent meantime to have the interest or improvement of the whole sum for himself and wife. Respondent failed to pay his share, and was forced to apply with his wife and family for subsistence to Appellant, who maintained them till his daughter's death in 1681, after which he maintained and educated her only daughter Elizabeth, and secured to Arthur St. Leger 3,000*l.* as a portion on his marriage with her. Respondent, though he owed Appellant more than 4,400*l.*, and had never performed his part of the agreement, brought a Bill in Chancery in Ireland against Appellant, demanding the 2,000*l.* with interest. Appellant brought a Cross Bill and Additional Bill to be discharged from the articles, Respondent having failed to pay his share. The L. Chancellor of Ireland, on hearing the causes on 3 June, 1692, decreed Appellant to pay Respondent the 2,000*l.* with interest, amounting to over 1,000*l.*, from the date of marriage. Prays that the Decree may be reversed. *Signed* by Appellant; *Countersigned* by Wi. Williams and Tho. Powys. L. J., XV. 138. [The Cause was heard and the Decree affirmed on 19 Jan. 1692–3. *Sir William Williams* and *Sir Thomas Powys* were heard for the Appellant. *Mr. Ward* (for Respondent): The Lord Chancellor has made a good decree. This 2,000*l.* is to be invested in lands. Mr. Hayes exhibits his Bill to make Mr. Otterington invest it in lands. We carried part of our money to Mr. Otterington. *Mr. Sloane* (for Respondent): Shows the receipts for money received. Decree affirmed and Appeal dismissed. (MS. Min.; L. J., XV. 190.)]

Annexed:—

(*a.*) 6 Jan. 1692–3. Answer of John Hayes, Esq. Respondent was never unable to pay his 2,000*l.*, but deposited a considerable part of it. Appellant, on the other hand, never kept his own share, but invested it at higher interest, and seeing Respondent in an improving way of his estate, proposed to him for some time to take back his deposit, which he did, and Appellant agreed to pay him 10 per cent. for his own share, being the rate of legal interest then in Ireland, but on his failing to pay either principal or interest, Respondent brought a Bill against him in Chancery. As to the marriage of Respondent's daughter with Mr. St. Leger, Respondent is not concerned in any agreement then made, and disapproved of the marriage, which was effected in a clandestine way, without Respondent's knowledge and consent. Prays that the Appeal may be dismissed with costs, as vexatious. *Signed* by Respondent. *Countersigned* by James Sloane. *Endorsed* as brought in this day.

(*b.*) 7 Jan. 1692–3. Petition of Respondent for an early day for hearing, the Appeal being brought only for delay. L. J., XV. 174.

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624. Dec. 9. Brocke *v.* Cutler.—Petition and Appeal of Joseph Brocke. Petitioner being entitled to a debt by Statute due from one Robert Bowman of Oxford for 100*l.*, which was esteemed doubtful, and Francis Cutler, having a bad debt of 100*l.* due by bond from Thomas and John Barney, both long dead and, as was supposed, insolvent, they agreed, being relations, to exchange the debts and delivered to each other their respective securities, but Cutler declined to have mutual assignments executed. Petitioner having discovered that Elizabeth, the relict and executrix of John Barney, had greatly wasted his personal estate, brought a Bill in Chancery in Cutler's name against her and Francis Wyndham, her second husband, and sued out administration, also at his own expense, to Thomas Barney, and afterwards administration *de bonis non* to John Barney, the said Elizabeth dying pending the suit; and also, at Cutler's request, brought a Bill against Bowman to discover his testator's estate. Wyndham sought to compound the debt on the bond, and demanded a release from Cutler, who demurred, whereupon they agreed that Cutler should have a moiety of the clear money recovered on the bond, after charges deducted, and admit Petitioner to a moiety of what should be recovered on the Statute. Petitioner compounded the debt with Wyndham for 120*l.*, which was paid and left in Cutler's hands, to be divided when the release was sealed, as to the wording of which there was some dispute. The release being afterwards settled, Petitioner called on Cutler to divide, but he refused, pretending that the agreement, being verbal, was void in law. Petitioner then brought his Bill in Chancery against Cutler and, on his death, revived it against Sarah, his widow, but the Lords Commissioners dismissed it. Pray that this Dismission may be reversed. *Signed* by Appellant; *Countersigned* by J. Somers and Ed. Northey. L. J., XV. 140. [The Cause was heard and the Decree reversed on 10 Jan. 1692–3. *Mr. Ward* (for Appellant) opens the Cause. *Sir Thomas Powys* (for Respondent): This is a matter of as mere Champerty as can be. There is no manner of writing in the case. Upon their own showing it is rank Champerty. *Mr. Crawford* (for Respondent) is heard. *Mr. Ward* heard in reply. Counsel withdrew, and the Speaker reported. *Judges* heard as to the necessity of anything in writing in the case. *L. C. Baron* [*Atkyns*]: I am of opinion there was no necessity of having this in writing. *Justice Dolben and others* of the same opinion. (MS. Min.; L. J., XV. 178.)]

Annexed:—

(*a.*) 19 Dec. Answer of Sarah Cutler, the Relict and Executrix of Francis Cutler. Respondent's testator, being related to Appellant, a common Solicitor in Chancery, employed him to get in the debt on bond, whereupon Appellant offered to exchange debts, but the testator refused. The charges of administration and of the suit against Wyndham were paid by testator to Appellant, as his solicitor. Prays that the Appeal may be dismissed with costs. *Signed by* Respondent; *Countersigned* by P. Crawford. *Endorsed* as brought in this day.

625. Dec. 10. Birmingham Grammar School.—Petition of the Old Governors of the Free Grammar School in Birmingham, in the county of Warwick, of the foundation of King Edward VI. Petitioners, notwithstanding their Lordships' reversal of the Decree they appealed from,* were prevented from taking out execution on the judgment in ejectment obtained against John Hicks, the Schoolmaster under the new Charter, the new

* *See* No. **457** (Calendar, 13th Report).

Governors having brought a new bill in Chancery for stay of proceedings thereupon, and obtained an injunction. Petitioners petitioned their Lordships against this proceeding, but the Session ended before it came to a hearing. They then exhibited an Information in the Court of Exchequer, in the name of the Attorney General, but on motion by Hicks, suggesting that he had made the new Governors defendants to a Bill previously filed by him in Chancery, it was ordered that an injunction should be awarded to stay Petitioners' proceedings in the Exchequer. The two Bills are for different matters, and Hicks is no party to Petitioners' Bill in Exchequer. Petitioners have elected a new Schoolmaster in his place, but owing to the injunction, cannot proceed at law to put him in possession. Pray that the two injunctions, which contradict their Lordships' judgment of reversal, may be dissolved. *Signed* by Sam. Carter, Wm. Colmore and Geo. Wyrley. L. J., XV. 142. [Counsel were heard on the Petition and Answer on 13 Jan. 1692–3. *Sir William Thompson* (for Petitioners) opens the Case. *Mr. Ward* (for Petitioners): We complain of the injunctions and that we ought to have the possession. *Sir Thomas Powys* (for Respondents): We are ready to hear the Cause. *Sir William Thompson* (in reply): Let it be put into a proper course to try it at law. Say some, Mr. Hicks is rightly chosen, and others he is not. Before the Cause is heard, they are saying Mr. Hicks is not rightly chosen. Counsel withdrew and the Speaker reported. After debate, *Question* put: Whether the Injunctions of the Chancery shall be dissolved? Resolved in the *Affirmative*. Contents 29; Not-Contents 27. Tellers, L. Chandos and L. Cornwallis. *Ordered* acordingly, and that it be tried at King's Bench by a Middlesex jury whether Mr. Hicks was duly elected schoolmaster or not. (MS. Min.; L. J., XV. 181). For further proceedings see Notes to Annex (*b*.) below.]

Annexed:—

(*a*.) 29 Dec. Answer of the major number of the Old Governors of the Free Grammar School in Birmingham, in the County of Warwick, of the foundation of King Edward VI., and of John Hicks, duly elected Chief Schoolmaster of the said School. By their Lordships' judgment of 2 Dec. 1691, all things relating to the School were to be guided by the Charter of King Edward VI. Respondents, accordingly, duly summoned the rest of the Old Governors under that Charter, and the majority of them present elected Hicks, whom they also discharged of an ejectment brought against him in their name, but without their authority, having been carried on by means of one Eden, a solicitor. Hicks' Bill and the injunction are in compliance with, not in contravention of, their Lordships' judgment. The Court of Chancery has appointed a receiver of the School revenues. Hicks has the priority of suit. Pray that the Petition may be dismissed with costs. Not signed by Respondents; *Countersigned* by Wm. Whitelocke and Tho. Powys, whose signatures are copied. *Endorsed* as brought in this day.

(*b*.) 15 Feb. 1692-3. Petition of the Old Governors of the Free Grammar School in Birmingham, in the County of Warwick, of the foundation of King Edward the Sixth. Petitioners, after trial of the issue as directed by their Lordships on 13 Jan. last, have obtained a verdict finding that Mr. Hicks has not been duly elected. Pray for an Order requiring delivery forthwith of the School and School-house to Petitioners. *Signed* Samuel Carter, George Wyrley, Wm. Colemore and Tho. Rowney. [Read this

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day and referred to a Committee to inspect precedents, whether what is desired in this Petition has been done before. (L. J., XV. 231.) This Committee, E. Stamford in the Chair, after reading the following precedents, 27 Nov. 1690 *Dodd v. Burroughes;* 3 Nov. 1690 *Bishop of St. Asaph v. Price*, and 9 Feb. 1692 *Englefield v. Englefield*, ordered to report that they found no precedents that came up to the case of the Petitioners. (Com. Book, 17 Feb. 1692–3.) The House, on this Report, dismissed the Petition. (L. J., XV. 234.)]

626. Dec. 10. Privilege of King's Servant (T. Waller).—Petition * of Thomas Waller. Complains of having been arrested, being one of the Gentlemen of the Privy Chamber in Ordinary to the King, and charged in execution at the suit of Miles Sandys, Esq., and others. Prays for his discharge from the King's Bench. L. J., XV. 141. [On the 21st., on report from the Committee for Privileges (Priv. Book, 20 Dec.), Waller was ordered to be discharged, without paying his fees. (L. J., XV. 160.) An expunged entry in MS. Min. of 26 Nov. 1692 states: "A Petition of Thos. Waller, Gentleman of the Privy Chamber, praying to be discharged." Nothing under date in L. J.]

627. Dec. 12. Sir Rob. Atkyns *v.* Lytcott (Privilege).—Petition of Sir Robert Atkyns, Knight of the Bath, Chief Baron of their Majesties' Court of Exchequer, and Speaker of the House of Peers; as follows: "Sheweth, That y^e^ allowing and signing of y^e^ Account of their Ma^ties^ Customs and of y^e^ three new Emposicions and of receiving y^e^ accustomed fees paid by y^e^ Accountant for y^e^ signing of y^e^ same, being y^e^ sume of ten pounds for every of y^e^ said four accounts for one year ending at Michaelmas in every year, doth properly belong to y^e^ Cheif Baron of y^e^ Excheq^r^, and your Peticioner hath performed y^e^ said work and enjoied y^e^ said fees ever since hee came into y^e^ said office of Cheif Baron (w^ch^ is now near four yeares) for y^e^ severall Accounts y^t^ have been signed during y^t^ time, y^e^ last so signed being for y^e^ year ended at Mich. 1677, and y^e^ Accounts for y^e^ five yeares since are still behinde. And y^e^ three imediate p^r^decessors to your peticioner in y^e^ place of Cheif Baron did enjoy y^e^ same, w^ch^ Accounts are y^e^ proper busines of y^e^ ancient & fundamentall Court of Excheq^r^ as it is a Court at y^e^ Comon Law. And your peticioner, according to y^e^ duty of his place, hath severall times required Giles Lytcott, Esq., Comptroller Generall of y^e^ Accompts of y^e^ Customes, etc., to whom it properly belongeth, and (*blank*) y^e^ deputy Auditor, who is to cast upp and prepare y^e^ said Accompts, to attend your petiticioner (as formerly they have used to do) with y^e^ said four severall Accounts for y^e^ year ended at Mich. 1678, for your peticioner's perusall, allowing and signing of y^e^ same, and likewise to make ready y^e^ like Accounts for y^e^ four next succeeding years ended at Mich. 1692; but they utterly refuse to do y^e^ same, p^r^tending it is at their choise to attend w^ch^ of y^e^ 4 Barons they think fitte, and to pay y^e^ said fees accordingly, whereby debate and disputes are raised between y^r^ peticioner and y^e^ rest of y^e^ Barons, your Peticioner during y^e^ time of p^r^viledge of Parliam^t^ is deprived of what he hath hitherto enjoied, and their Ma^ties^ service is obstructed in y^e^ said Court of Excheq^r^. Wherefore y^r^ Peticioner humbly praies y^t^ he may not be putt out of possession of y^e^ said duty and profitt, but may bee allowed his p^r^viledge theerin, and y^t^ y^e^ s^d^ Giles Lydcott may answer y^e^ s^d^ breach of y^r^ peticion^r^s

* The MS. Min. of date speak of a Certificate of the L. Chamberlain as annexed to this Petition and read with it in the House.

p^r^viledge. And y^r^ peticioner shall ever pray, &c. Rob^t^ Atkyns." *Holograph.* L. J., XV. 143. [In Committee for Privileges, to whom the above Petition was referred, the following proceedings are recorded :—

Dec. 12. Order of reference read. *Ordered* that Lytcott and (*blank*) the Deputy Auditor attend on the 19th, and that meantime Mr. Wallinger, Mr. Hall, Mr. Francis Brampson, and Mr. Petre, come to the Bar to be sworn, and afterwards attend on the 19th to give evidence on behalf of Sir Robt. Atkyns.

Dec. 21. Order of reference, and order of Committee read. *L. Chief Baron* [*Atkyns*] is heard: He states the practice of the Court as a Court of Accounts, and that the accounts are brought thither to be signed. The accounts used to be brought to the Lord Chief Baron. I say they ought to come to me. The great accounts ought to come to me; the Customs and the three Impositions. Other Barons have done it sometimes. Hales would not sign them. *Mr. Lytcott* heard: The account of the Customs has been carried to the Chief Baron. It is true these three new accounts have been caried to the L. Chief Baron. I had attended him still, if the Auditors would have carried them. I received an Order from the Treasury that I should carry the money to the Auditors. I applied to the Lords of the Treasury, and they directed me to carry money to the Auditors, which I have done. I have only acted in obedience to my superiors. *L. C. Baron* [*Atkyns*] heard: I attended the Treasury, and they say they cannot help it. *Mr. Baron Turton* * heard: The right is as much in every Baron of the Exchequer as in the Chief Baron. My Lord Atkyns' father, a puisne Judge, signed one of these accounts himself. As to the privilege, my Lord says he is in possession, and Mr. Lytcott has put him out. The officers at discretion come to one or the other. We issued orders for the Auditors to attend us with accounts who were behind. We attended the Treasury, and they told us that the accounts must come to them first, the Auditors, and we attended the Treasury again. The Lord Godolphin said: "You cannot be in possession, for it is new fees and in our discretion." *Mr. Baron Powell* heard: He says Mr. Guy read the Order out of the Book. It is a new fee, and any Baron signing the account, it is as good as the Chief. The Case is whether there is a possession, and whether a breach of privilege, and if so, then who has broken it. *Mr. Lytcott* and *the Barons* withdrew. The Judges were called in again, and the L. Chief Baron's witnesses were called in. *Mr. Hall:* There have been 16 Accounts of the Customs, and they have been signed by the L. Chief Baron and no others. I speak for 15 years. *Mr. Wallinger:* The general Accounts have been delivered into the Pipe, and they have been signed by the Chief Baron. *Mr. Tayleur:* They come through my hands, and the Declarator has been by the Chief Baron. One of the old Accounts was signed by the L. Chief Baron's father, when a puisne Judge. They withdrew. *Ordered* that it shall be specially reported to the House (Priv. Book). This Report having been made by M. Halifax the same day, *L. Godolphin,* being present, was heard as to the transactions at the Treasury in the case. *The L. C. Baron* [*Atkyns*], *Letchmere, B., Turton, B.,* and *Powell, B.,* were heard. *Moved* that the Order of the Treasury made in King James' time may be seen. *Question* put: Whether this possession be such a possession as creates a privilege? Resolved in the *Negative.* (MS. Min.; L. J., XV. 160.)]

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* The Barons were heard pursuant to an Order of the House of 15 Dec. L. J., XV. 149.

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628. Dec. 12. Englefield *v.* Englefield.—Petition and Appeal of Anthony Englefield, Esq. The late Sir Thomas Englefield, Bart., (father of Sir Charles, the Respondent) was by the will of his nephew Sir Francis and by several settlements entitled for life to the reversion of the manor of Wootton Bassett, Wilts, esteemed 2,000*l.* a year, after the death of his nephew's widow Lady Honora, and also entitled for life to an estate in Leicestershire, worth 1,500*l.* a year, after the death of his nephew's mother Lady Winifred, subject to the payment of 10,000*l.* or some such large sum, to the daughters of Lady Winifred, on whom the estate had been settled by her father, Robert Brookesby, Esq., on her marriage with Sir Francis, the elder brother of Sir Thomas. In 1665, Sir Thomas, being then a widower without issue and nearly 70 years of age, conveyed for good consideration his interest in Wootton Bassett to Appellant's father Anthony, his next brother and remainder-man, and to Appellant. Sir Robert Howard, having married the Lady Honora and hearing of this conveyance, made large proposals to Sir Thomas for the estate, and the latter prevailed with the two Anthonys to reconvey Wootton Bassett and join with him in conveying it to Sir Robert, from whom thereupon he received 2,000*l.* and had 400*l.* a year settled for his life out of the estate, and in consideration of the Anthonys so releasing their right and paying him 200*l.*, and of an annuity of 500*l.* out of the Leicestershire estate after Lady Winifred's death, Sir Thomas covenanted to convey the Leicestershire estate to the Anthonys, who joined in a deed for the annuity, and a fine was levied and the uses declared to Appellant's father for life and after to Appellant and his heirs, and in 1667 Lady Winifred and the Anthonys covenanted to levy a fine and suffer a recovery to William Browne and Henry Walgrave, Esqrs., which was done, and the uses declared to be for Lady Winifred for life, and after her death to Browne and Walgrave for 200 years, to secure 10,330*l.* to her daughters, and after satisfaction thereof, to Appellant's father for life, and after to Appellant and his heirs. Sir Thomas was afterwards drawn in to marry one Mary Huntly, formerly his servant, who induced him to release part of the 500*l.* annuity, and in consideration thereof prevailed with Appellant and his father to settle 200*l.* a year on her out of the same for life, in case she survived Sir Thomas, who thereupon released all right to the Leicestershire estate. Lady Winifred's daughters, Helen, Elizabeth, Katharine and Francis, together with Appellant and their respective husbands Sir Charles Walgrave, Sir George Browne, William Turvill and John Wildman, levied a fine of the Leicestershire estate, and after satisfaction of the 10,330*l.* according to the term to be granted to William Browne and Henry Walgrave, whereby Lady Winifred's daughters waived their former security and relied on the settlement for their portions, the uses thereof were declared to be for Appellant and his heirs. After the death of Appellant's father and Lady Winifred, Sir Thomas was persuaded by his wife to bring a Bill in Chancery to be relieved against the agreements, fines and recoveries, as having been obtained by fraud, but on 21 Nov., 23 Car. II., his Bill was dismissed by the Lord Keeper Bridgeman. After his death, his widow, for non-payment of the 200*l.* annuity, entered and distrained, and her son the Respondent being then only 8 years old, a Bill was brought on his behalf in 1681 by the Lady Phillippa Mohun against Appellant to the same effect as the former one, but the Lord Chancellor Jeffreys on 6 April 1687 * decreed the agreements and fines to be set aside, and that

* 1 Vernon, 443, 446. The effect of this judgment was to decide that if a contingent remainder is destroyed by a legal conveyance, and that conveyance is obtained by fraud, equity will relieve against it.

Sir Charles should hold the Leicestershire estate against Appellant. Prays that this Decree may be reversed and Respondent ordered to answer. *Signed* by Appellant; *Countersigned* by Tho. Trevor and Tho. Powys. L. J., XV. 143. [On 20 Jan. 1692–3 the *Solicitor General* and *Sir Thomas Powys* were heard for the Appellant. (MS. Min.; L. J., XV. 193.) On the 21st, Counsel being called in for the further hearing, Counsel for the Appellant were directed to recapitulate what was said the previous day. *Sir Thomas Powys* (for Appellant) states the case. *Mr. Finch* (for Respondent): We hope to give you a very clear answer to all this. Sir Thomas was very aged, and he was for settling it upon his brother Anthony. Smith was the man that treated this purchase, and he was to have a fourth part of the estate; —nay, he was to have more. It was treated as a purchase, and Sir Thomas Englefield was cheated. He had the Leicestershire estate in him before he treated. Consider how he comes in for the Wilts estate. For the Leicestershire estate here is 200*l.* per annum and a little more, which they could not secure. They said 400*l.* is the most. If a fine be levied where a man is a trustee, the conveyance does not bar that trust. In the Case of *Smith* v. *Coleby* * the House judged this was relieved in Chancery. Upon an Appeal here you were of opinion it was a cheat. They only wait to know whether your Lordships will say they shall cozen by a fine. *Mr. Ward* (for Respondent) is heard. They read several deeds and the decree and articles in the Cause. Anthony Englefield's Answer to Smith's Bill is read, and several Depositions. *The Solicitor General* is heard to reply, and they offer to read a deed of settlement and depositions taken thereon, as to making the son a Defendant. Counsel withdrew, and the Speaker stated the Case, whether the depositions desired shall be read. The Lords were satisfied they were read in Chancery. Counsel were called in and told the Appellants may read the depositions. *Mr. Finch* and *Mr. Ward* heard to reply for Respondent. *Sir Thomas Powys* heard to reply for Appellant. Counsel withdraw. *Question* put: Whether the Report shall be now made? Resolved in the *Affirmative*. Contents 35 (including 7 Proxies); Not-Contents 27 (including 3 Proxies). Tellers: E. Bridgewater and E. Feversham. The Speaker reported. After debate, *Question* put: Whether the Decree shall be reversed? Resolved in the *Affirmative*. *Ordered* accordingly. (MS. Min.; L. J., XV. 194.) For further proceedings see Notes to Annexes below.]

Annexed:—

(*a.*) 21 Dec. Answer of Charles Englefield, Esq. Sir Thomas, Respondent's late father, being tenant for life (in reversion after the death of Lady Winifred his elder brother's widow), with remainder to his first and other sons in tail, with remainders over, of the Leicestershire estate, and being unmarried and in trouble and a prisoner in the King's Bench for debt and of a mean understanding, Anthony his younger brother and his son, the Appellant, by fraud, got conveyances from him of the estate. These conveyances were set aside as fraudulent and possession delivered to Respondent. Appellant, to avoid the account of profits, went abroad, where he still remains. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Tho. Filmer. *Endorsed* as brought in this day.

* L. J., XIV. 86.

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(*b.*) 9 Feb. 1692–3. Petition of Appellant. Petitioner, since their Lordships' judgment in his favour, has applied to the Court of Chancery to be restored to possession and for an account of profits received under the reversed Decree, but the Court have postponed the matter pending further directions from the House. Prays their Lordships to direct the Court to restore possession to him. [The House on this Petition ordered the Court of Chancery to direct possession to be given to Appellant, pursuant to the Judgment of 21 Jan. (L. J., XV. 222.)]

(*c.*) 25 Feb. 1692–3. Petition of Respondent. Since their Lordships' judgment, Appellant, on petition to the House, has obtained an Order for the Court of Chancery to put him in possession, on mistaken suggestions that the Court had put him out, and put Respondent in, and he has also brought his ejectment at law. At the hearing of the Appeal, Appellant was was allowed to read certain depositions in a cause in Chancery between Sir Thomas Englefield, Plaintiff, and Anthony Englefield and Appellant, Defendants, but the like benefit of reading the depositions in the same cause was denied to Respondent, in regard they had not been read below, though Respondent had an order to read them, and the facts thereby proved were opened and admitted, and influenced the Chancellor to make the Decree. Prays to be heard by Counsel, to show cause why possession ought not to go. L. J., XV. 249. [In Committee for Privileges, to whom the above Petition was referred this day, to inspect precedents, the following proceedings are recorded:—6 March, E. Stamford in the Chair, Order of reference read. A debate concerning calling in Counsel or not. [The following precedents were considered]:—

1660, July 16. E. Derby put into possession. [L. J., XI. 92.]

1660, July 24. Ordered, that the order for putting into possession be suspended. [*Ib.*, 104.]

1660, Sept. 1. Thomas Withe. Order for vacating order. [*Lewis* v. *Withe.* L. J., XI. 152.]

1660, Sept. 6. *Stone* v. *Cordell.* The general order revoked. [*Ib.*, 159.]

1667, Nov. 25. *Pettit* v. *Hyde.* Referred to Merchants. [L. J., XII. 147.]

1678, May 31. *Neilder* v. *Kendall.* Leave given to proceed below. [L. J., XIII. 234.]

1690, April 30. *Dodd* v. *Burrows.* Read.; possession restored. [L. J., XIV. 480.]

1690, Nov. 27. *Dodd* v. *Burrows.* Burrows attached. [*Ib.*, 568.]

1690, Dec. 18. *Dodd* v. *Burrows.* Former order repealed, so as not to bar the Petitioner from prosecuting his title at law. [*Ib.*, 596.]

1691–2, Feb. 24. *Tooke* v. *Sir R. Atkyns.* Ordered to be reheard in Exchequer. [L. J., XV. 92.]

1692. Dec. 9. *Trosse* v. *Pearce.* The Chancery to proceed *de novo* upon the deed. [*Ib.* 140.]

Counsel called in. *Mr. Ward* (for Petitioner): We will show precedents, and hope they will come up to this case, where you have varied from your former orders. In *Sedgwick* v. *Hitchcock* 20 Dec. 1690, 21 Nov. 1691 [L. J., XV. 600, 657], you

ordered the decree to be reversed and Sedgwick to be let in, the estate to be sold, &c. You have found it reasonable to alter your order. Instances case of *Dodd* v. *Burrows*. In *Trosse* v. *Pearce* it was ordered to go back to Chancery and a deed to be used there. There was no judgment passed in *Tooke* v. *Sir R. Atkyns*. In *Dodd* v. *Burrows* you directed it to go back again. My client does not desire to make use of any depositions but what were in Chancery, though not used. [Speaks to case of] *Pettit* v. *Hyde*, Dec. 6 [L. J., XII. 159.] *Sir William Whitelocke:* The precedents they have instanced will not come up at all. *Sedgwick* v. *Hitchcock* does not come up at all to this case. The Chancery decrees Mr. Englefield out of possession, and you say they did wrong, and reverse it and restore possession. Bankruptcy is always triable by law. *Dodd* v. *Burrows* does not come at all to this case. In *Pettit* v. *Hyde* after the first decree, say they, you went further, and so you do. You amended the order only to put him into possession again. By the same reason this Cause may be reheard, and then if anything is not fully read, all must be reheard again. *Sir Thomas Powys:* Mr. Ward does not tell you what he prays. He does not ask to be reheard. I do suppose he will not say he would have it go to Chancery to see if you have done right or not. In consequential matter you have not altered your order. *Sedgwick* v. *Hitchcock* is not in this case. You only gave him leave to try his title at law. In *Tooke* v. *Sir R. Atkyns* there was no judgment. As to *Trosse* v. *Pearce*, there is nothing in this case; no footsteps of this in it. As for the possession, we have it already, and the Plaintiff is restored and justly too. *Mr. Ward* (in reply): They say they have the possession; we say we have it. In *Neilder* v. *Kendall*, 31 May 1678, a subsequent order was made. As to the depositions, we were advised that no depositions could be used here but what were used below. We pray this deposition was not read. Counsel withdraw. The precedents of *Neilder* v. *Kendall* and *Pettit* v. *Hyde* [considered]. *Moved* to report: That upon inspecting precedents, the Committee are of opinion that the Court of Chancery be ordered to hear these matters then in proof in the Cause which were not read at making the decree, and no other. On *Question*, Contents 20; Not-Contents 7. *Ordered* to report on Wednesday next. (Priv. Book, 6 March 1692–3.)

This Report having been made on 8 March, the Petition was recommitted to the Committee for Privileges, who were ordered to meet the next day. (MS. Min.; L. J., XV. 281.)

In the Priv. Book of the 9th the following entry appears: "L. Longueville in the Chair. Ordered to report to the House that the Committee was not full enough to proceed, and therefore desire the further directions of the House." No entry of this Report having been made appears in either MS. Min. or L. J., but on the 10th the House made an order to consider of precedents in the matter on the 13th (MS. Min.; L. J., XV. 284), on which day, the last-named order being read, it was *Moved* to hear Counsel. The case of *Neilder* v. *Kendall*, 31 May, 1678, read. *Moved* to call in Counsel on these points: (1) Whether there were not proofs offered below in publication, which were not heard. (2) What they can say against Sir Charles Englefield's Petition, why it should not be heard. *Moved* to be sent down to be heard in Chancery upon the proofs not heard here.

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Ordered that the Cause be reheard in Chancery, &c.; as in L. J., XV. 286 (MS. Min.).]

629. Dec. 12. Bromhall's Estate (Fleet Prison, etc.) Act.—Amended* draft of an Act [for the sale of the Office of the Fleet and Mansion House where the said Office is now kept, and thirteen houses adjoining, and the office of the custody of the Palaces at Westminster and the shops in Westminster Hall to the said Office belonging, for payment of debts] *for the sale of such interest as Thomas Bromhall, an Infant, has in the Office of the Warden of the Fleet and in thirteen houses adjoining, and in an Office of the custody and keeping of the Palace at Westminster, for the more effectual payment of debts.* The draft, as amended, is identical with the Act, with the exception of the Commons' amendments, which are noted below.

After a preamble, the amendments in which are formal and consequential, the Bill enacts (Clause 1 of Bill: Sect. 1 of Act) that the *interest of the said Infant in the* Office of Warden of the Fleet and the said mansion house and thirteen houses, "and also [all that the Office and custody of the keeping the palaces at Westminster in the county of Middlesex, commonly called the Old and New Palace, and also] *of, in or to all that office of the custody and keeping of the Palace at Westminster, in the County of Middlesex, in such manner as the same are or hath been lawfully held and enjoyed by the Wardens of the Fleet, together with* all shops, stalls and standings [as well within as without the Palaces of Westminster aforesaid] to the said Office [or offices] belonging [or appertaining, and also all the letting and setting of the said shops, stalls and standings]" shall be vested in Cavendish Weedon, of Lincoln's Inn, Esq., Giles Duncombe, of the Inner Temple, Esq., and William Fanshaw, of St. Martin's-in-the-fields, Esq., "and their heirs, [and they, the said Cavendish Weedon, Giles Duncombe and William Fanshaw shall be, and are hereby adjudged and declared to be, seized of all the said offices, houses and premises, with all jurisdictions, fees, privileges and hereditaments to the same and every of them belonging in fee simple] upon trust" to sell the same for the best price they can get; "and the said moneys arising by such sale, and also all the meane profits and arrears of the premises shall be employed [in manner as hereafter expressed, viz.:—First, to pay and satisfy the executors of Henry Norwood, deceased, what shall appear to be a real charge upon the aforesaid offices and premises, when the account now depending in Chancery betwixt them and the said Thomas Bromhall, the Infant, shall be finally settled, and in the next place to pay the said Richard Manlove, Esq., the present Warden, what shall appear due to him (if anything) when the account now depending in Chancery betwixt him and the said Thomas Bromhall, the Infant, shall be finally settled, and in the next place to pay the executors of Henry Johnson, deceased, so much as shall appear due to them, when the account betwixt them and the said Thomas Bromhall, the Infant, now depending in Chancery, shall be finally settled, and in the next place to pay the said Dame Mary Lisle, John Clement, Catherine Venne, Dorothy Baxter, and to the executors of Sir Edward Low their respective proportions of the aforesaid sum of 2,299*l.* principal money, as the same shall appear to be proportionably due to them, reference being had to the Indenture of mortgage made between the said Thomas Bromhall, Citizen and Draper of London and the said John Clement aforesaid, the same bearing date the third day of May in the year of our Lord 1678] *for the payment*

* Omissions are shown by square brackets and additions by italics.

and satisfaction of what shall appear to be due and justly owing from the said Thomas Bromhall the Infant to the respective mortgagees aforesaid, and also for the payment and satisfaction of the aforesaid several creditors, according to the priority of their several just demands, when the same shall be finally stated and settled.

(Clause 2 of Bill).—["And for the better security of the respective creditors and mortgagees aforesaid, Be it enacted by the authority aforesaid, that the said offices and premises aforesaid shall not be discharged of the said mortgages and debts aforesaid, notwithstanding the sale of the said Trustees, unless they, the respective creditors or mortgagees aforesaid, or their executors, administrators or assigns, who either have or may have any interest in the same, do give their respective receipts for the respective sums intended by this Act to be paid, of which the purchaser or purchasers is, at his or their peril, to take care,"]

(Clause 3 of Bill. Sect. 2 of Act).—"And as for and concerning the remainder of the [said purchase] money *arising by such sale* after the said mortgages and debts aforesaid, according to the intention of this Act, are satisfied; Be it enacted by the authority aforesaid, that William Bromhall, *of Northwood Hall in the county of Salop, Gentleman*, father of the said Infant,* shall receive the same," etc.

(Clause 4 of Bill).—["And be it further enacted by the authority aforesaid, that Richard Manlove, Esquire, shall or may enjoy the benefit of his said grant for life of the aforesaid offices under the several covenants, conditions and exceptions made betwixt him and the aforesaid Thomas Bromhall, deceased, and not otherwise, notwithstanding the sale of the said Trustees or anything in this Act to the contrary contained notwithstanding,"]

(Clause 5 of Bill).—["And be it likewise further enacted by the authority aforesaid, That until payment of what shall be finally settled to be due upon the account depending as aforesaid from the said Thomas Bromhall, the Infant, to the said Richard Manlove, Esquire (if anything thereupon shall appear to be due), that the said Richard Manlove, Esquire, shall continue in the possession of all the said offices and premises in as large and ample manner to all intents and purposes as he should or might have done if this Act had never passed, and not otherwise, anything in this Act contained to the contrary notwithstanding."]

(Clause 6 of Bill).—["Provided always that nothing in this Act contained shall hinder the said Thomas Bromhall, by his father William Bromhall, or any other creditor or mortgagee mentioned in this Act, to prosecute or defend the several respective suits now depending in Chancery, or commence any new suit that hath or may have any relation to the premises intended by this Act to be sold, in the same manner as they should or might have done, if this Act had not been made."] †

(Clause 7 of Bill).—["Saving to their Majesties, their heirs and successors, and all other person and persons whatsoever, bodies politic and corporate, and their respective heirs and successors, executors and administrators, other than the said Thomas Bromhall, the Infant, and his heirs, all such right, title, estate and interest they or any of them now have or hereafter shall or may have, of, in or to the premises, or any part or parcel thereof hereby directed to be sold, in as large and

* The Commons added here: ("Thomas Severne, of Wallop, in the county of Salop, Esq., and Ralph Harper, of Pontsbury, in the county of Salop, Clerke"), and made other consequential amendments in this Section, all of which appear in the original Roll. C. J., X. 839.

† Here are noted for insertion Provisoes ✠, A, B, and C (Annexes *h*, *i*, *k*, and *l* below), the last of which, after amendment, superseded Clause 7 of the Bill.

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ample manner to all intents and purposes, as if this Act had never been made, anything herein contained to the contrary hereof in any wise notwithstanding."]

[Read 1ª this day (L. J., XV. 143). On 7 Jan. 1692-3 Counsel were heard on the Petitions of Baldwin Leighton* of 19 Dec. (*Ib.*, 152), and of Thomas Bromhall, Infant, by his Guardian † of 31 Dec. (*Ib.*, 168). *Sir William Williams* (for Leighton): opened the case. He [Manlove] has offended in many particulars, and by Inquisition has forfeited his office. *Mr. Holles:* There is a forfeiture by Inquisition, and the Bill establishes those things that formed the Inquisition. The Inquisition is quashed, I confess, but it was for the manner of the thing. *Sir Francis Winnington* (for the Bill): They desire something foreign to the Bill, and their Petition desires little, not the Bill to pass or not. The Inquisition was quashed with as great solemnity as may be, and the two Lord Chief Justices were there. They pray they know not what, but something they would have. His right is saved, if he has any. *Sir William Williams* reads the Savings in the Bill and is heard to them. *Counsel* said if the word "forfeiture" was in the Bill, they could not except. Counsel withdrew, and the Speaker having reported, the Bill was read 2ª and committed, one Counsel on each side to attend the Committee, and care to be taken of the shops in Westminster Hall, and to receive any proviso offered by the Lord Chamberlain. The Bill was was then read 2ª and committed. ‡ (MS. Min., 7 Jan.; L. J., XV. 174).

In Committee, on 12 Jan., E. Rochester in the Chair, the Bill was read entire and the Parties called in. *Mr. Ward* (for the L. Chamberlain and the House-Keeper) offers some amendments and a Proviso. *Mr. Tilly* (for Bromhall) says they shall agree to the Proviso, &c. *Sir William Williams* (for Col. Leighton) says none of the limitations in the grant to Sir [Jeremiah] Whitchcot have been observed. He states Col. Leighton's case, and offers a Clause and Proviso, which he reads. They withdraw. The first clause offered by Sir W. Williams is read. *Sir Edward Nevill* and *Sir Wm. Gregory* are sent for in, and asked whether Manlove, who has forfeited his Office, has forfeited the same to his Majesty or to the person that has the reversion. *Sir E. Nevill:* It requires a little consideration. Generally, the next in reversion have the benefit, but he cannot give a sudden opinion. *Sir W. Gregory:* This is an office of trust. It will affect him that has the reversion. The *L. Great Chamberlain* offers a clause, which is received. The Counsel are called in. The Clause is read again. *The Counsel* as well for Leighton as Bromhall are heard to state the case. *Ordered* that Counsel on both sides attend the said Judges. (Com. Book, 12 Jan.)—On 19 Jan., E. Rochester in the Chair, *Mr. Justice Gregory* and *Mr. Justice Nevill* declare they are of opinion, if there be a forfeiture, it belongs to the reversioner and not to the King. *Ordered*, that the Counsel for the L. Great Chamberlain and for the Warden of the Fleet meet and prepare amendments (Com. Book, 19 Jan.)—On 20 Jan., E. Rochester in the Chair, the Parties are called in. The Bill read by paragraphs. The Amendments prepared by the L. Great Chamberlain's Counsel and Counsel for the Bill are read and agreed to be inserted. The Agreement between John Clement, Ann Turnour, Susan Low, Mary Lisle, Katherine Venne, Eliz. Low, Dorothy Baxter and

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* Annex (*a*).

† Annex (*b*).

‡ The MS. Min. of 9 Jan. state that L. Willoughby de Eresby was added to the Committee that day. His name, however, appears in the List given in L. J. of the 7th. Two other entries in MS. Min. of 10 and 18 Jan. state that the Committee was revived on those days for the 12th and 19th.

William Bromhall and Thos. Bromhall is perused. Agreed to 3rd line of 13th sheet. A Petition of Thomas Richardson and others,* praying to be heard, is read. *Ordered* that they be heard on the 24th inst., either by themselves or Counsel, as also all others concerned. (Com. Book, 20 Jan.)—On 26 Jan., E. Rochester in the Chair, the Parties are called in. *Mr. Richardson*, who petitioned to be heard, says for so much as concerns himself and his wife he withdraws his Petition, and desires not to be heard. A Petition of Col. Leighton, with Orders and Affidavits annexed,† is presented, and the Petition read. They withdraw. They are called in again, and the Petitioner is told that this is not a proper time to hear him; that, if he desires to be further heard, he may apply to the House upon the Report of the Bill, if he thinks himself aggrieved. A Proviso on behalf of the Bill, marked ✠ ‡, a Proviso of the L. Great Chamberlain's marked A,§ and a Proviso of Mr. Engleton's, the House-Keeper, marked B ‖ are read and agreed to be inserted before the General Saving, as also a Proviso of Col. Leighton's marked C.¶ Another Proviso of Col. Leighton's marked D is read and rejected.** Bill ordered to be reported with amendments. (Com. Book, 26 Jan.).

The Bill was reported on 28 Jan., when the amendments were agreed to (L. J., XV. 205). It was returned from the Commons agreed to with amendments (C. J., X. 839) on 4 March (L. J., XV. 274), to which the Lords agreed on the 6th (*ib.*, 277), and received the Royal Assent on the 14th (*ib.*, 289). 4–5 W. & M. c. 37 in Long Calendar.]

Annexed:—

(*a.*) 19 Dec. Petition of Col. Baldwin Leighton. Charles II. granted the Office of Warden of the Fleet to Sir Jeremiah Whichcot in fee, which office by assignments and deputations came to Richard Manlove, Esq., and appears to be forfeited and reverted to the Crown by Inquisition in the Court of Chancery. Their Majesties in 1690 granted it to Petitioner, as a reward for his services, but the grant, after passing the Privy Seal, has been stopped by the Lords Commissioners of the Great Seal, on a *Caveat* entered by Manlove and one Johnson. The Lords Commissioners, after a hearing on 17 July following, postponed their decision till his Majesty was attended and his further pleasure known. The King signified his pleasure several times to the Lords Commissioners for the grant to pass, and Petitioner solicited them to the same effect, but was refused, without any reason being assigned. He then petitioned the King for a hearing in Council, and on 6 Nov. following the Lord Commissioner Hutchins attending, informed the King that they had decreed the inheritance of the office to Johnson, a tailor, whose only claim is a debt of 396*l.* for tailor's work, which decree was soon after reversed by the House.†† The King in Council having ordered the Lords Commissioners, with the assistance of Sir G. Treby, the Attorney General, to hear all

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* Annex (*c*).

† This Petition to the Committee is not among the Papers, but the Orders, &c. annexed to it appear to have been transferred to a later Petition of 28 Jan., which, as directed by the Committee, was presented to the House. *See* Annexes (*f*) to (*f*^{6}).

‡ Annex (*h*).

§ Annex (*i*).

‖ Annex (*k*).

¶ Annex (*l*).

** Annex (*e*).

†† *See* No. **299** (Calendar 13th Report, App., Part V.).

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parties and report, they appointed a hearing about a week after, but determined nothing. Petitioner accordingly petitioned the Queen in Council to be heard, and the point in question, relating to the validity of the Inquisition, was looked upon as a matter of law, not properly determinable there. This point cannot be tried at common law, since the Warden of the Fleet has not traversed the Inquisition within the time limited for so doing. Prays to be heard by Counsel on the Bill. L. J., XV. 152.

(*b.*) 31 Dec. Petition of Thomas Bromhall, Infant, *per* Guardian [William Bromhall], to be heard against Leighton's Petition, and that Leighton may be ordered to enter into recognizance. L. J., XV. 168.

(*c.*) 20 Jan. 1692–3. Petition (to the Committee on the Bill) of Katherine Abnet, Widow, William Abnet and Richard Thorley, Gent., friends and near relations of Thomas Bromhall, Infant, for and on the behalf of the said Infant; and also of Thomas Richardson and Grace his wife, which said Grace is one of the coheirs of the said Thomas Bromhall, Infant, in case he shall happen to die without issue, for and on behalf of the said Infant and also of the said coheirs. Petitioners are informed that, under colour of some debts owing by Thos. Bromhall, late Warden of the Fleet, whose heir, the Infant, Thos. Bromhall, is under 7 years of age, there is a contrivance set on foot to sell the office, which was his inheritance. The Petitioners, the Abnets and Thorley, live about 100 miles from London, and knew nothing of the Bill till very lately. Pray to be heard against the Bill. *Signed* by Richardson only. [*See* Notes to first Paper 20 and 26 Jan. 1692–3.]

(*d.*) 23 Jan. 1692–3. Petition of Col. Baldwin Leighton. On their Majesties' Counsel offering some clauses to the Committee to be added to the Bill for securing their Majesties' right and title to the forfeiture of the Office of Warden of the Fleet, which it was agreed by Counsel on both sides, that Manlove, the present Warden, had forfeited, the Committee, taking Manlove to be but tenant for life, ordered Petitioner and Bromhall, who claims the equity of redemption of the office and estate in fee, to attend, with their counsel, Mr. Justice Nevill and Mr. Justice Gregory, who were desired to give their opinions to the Committee, in case a tenant for life forfeit, whether their Majesties or the person who has the inheritance shall have the forfeiture. These Judges, as Petitioner is informed, have given their opinions that the Reversioner shall have the forfeiture, which may be esteemed to be the assignee of Sir Jeremiah Whichcott. Their Majesties' just rights and prerogative, and the safety, ease and benefit of their subjects have great dependence upon a right state and decision of the point relating to the forfeiture, and will save their Lordships a great deal of labour, which will be spent in vain, in case the office forfeited be their Majesties'. Prays on behalf of their Majesties and himself to be heard by Counsel at the Bar to this point: Whether their Majesties or the Grantee Sir Jeremiah Whichcott, his heirs and assigns, shall have the said Office, which is forfeited upon conditions broken. *Endorsed* as read this day; ordered to be heard 4 Feb. next. 23 Jan.* Peti-

* This date should be 24 Jan. *See* entry in MS. Min. of 24 Jan., which adds that the Committee was revived that day, to proceed upon the Bill; Thos. Bromhall, Infant, to be heard.

tion dismissed, and order made yesterday reversed. Nothing to be entered. [The entry in MS. Min. of 23 Jan., corresponding with the first part of the endorsement, is struck through.]

(*e.*) 26 Jan. 1692–3. Draft Proviso, marked D., as follows:—"And for the avoiding of doubts and questions hereafter touching the right of their Majesties, their heirs and successors, to the benefit and advantage of forfeitures and seizures happening in the said office and premises, It is hereby declared and enacted that as often as any person or persons, being in the actual execution and possession of the said Office of Warden of the Fleet, shall forfeit his said office or his interest therein, that the benefit and advantage of such forfeiture and seizure thereof shall accrue to their Majesties, their heirs and successors." *Noted* as read this day and rejected. [*See* Notes to first Paper under date.]

(*f.*) 28 Jan. 1692–3. Petition of Col. Baldwin Leighton. Petitioner is advised that the Bill, though with a saving to their Majesties and Petitioner, cannot pass without great prejudice, as neither Bromhall nor Manlove have any estate but what they derive from the Crown upon the conditions expressed in the grant, viz., that Sir Jeremiah Whichcott, his heirs and assigns, shall make Caroon House the prison of the Fleet for ever, and shall observe all rules and orders settled for the good government of the Fleet, and there are conditions in law which go along with every office incident to the administration of justice. As these conditions are broken, their Majesties, as grantors and supreme administrators of justice, may take advantage thereof, and after a Commission issued out and before Inquisition found, may by force of the Statute 21 Jac. I., cap. 25., grant the said office upon any conditions broken; yet their Majesties did not grant the same until an Inquisition was taken by virtue of a Commission, which found Manlove guilty of extortion, which by the Statute of 3 Edw. I., cap. 30., is forfeiture of the fee to their Majesties. The Bill shows Manlove to be tenant for life, and until 1,000*l.* is paid and all accounts and reckonings between him and Bromhall, the uncle, be set straight and all covenants between them are performed, and it is believed that Bromhall has covenants to warrant the office and estate against him and his heirs, because Manlove in his answer upon oath in Chancery confesses he has the estate conveyed to him, his heirs and assigns, so that the Infant's name is only made use of to colour Manlove's forfeiture. The question put to the Judges by the Lords' Committee was with submission wrongly stated, viz. (If a tenant for life forfeits), whether their Majesties or the person who has the inheritance shall have the forfeiture? and the Judges' opinion that the Reversioner shall have it is of dangerous and ill consequence, if it be so that Bromhall's heir be accounted the reversioner, for then Bromhall may employ ill men and share with them in all their extortions and commit what abuses they please, because it is no forfeiture of office. If the Judges' opinion be wrong, and if it be in the power of the Lords Commissioners to stop their Majesties' grant of the office to Petitioner, as they have done since April 1690, and to make orders irregularly *ex parte* to quash an Inquisition, as the orders and affidavits annexed to the Petition show, when it was a judgment by default, by Manlove's not traversing the same, as directed by the Statute 1 Hen. VIII. cap. 10., and not to order a *Melius Inquirendum*, or give any directions to have Manlove punished, and not to put their Majesties' title to the forfeiture in

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any legal way to be tried, and to vacate the Inquisition some weeks after Petitioner has addressed himself to the House, all these are abuses which the House alone can redress. Prays the House, as directed by the Committee, to be heard by Counsel on the point whether their Majesties or Sir Jeremiah Whichcott shall have the office on the conditions broken, and also to the irregularities of the Orders annexed, and that their Lordships will direct that their Majesties' title to the office shall be legally and judicially determined. [Read in the House on report and rejected this day. (Com. Book.) *See* Notes to first Paper.]

28 Jan. 1692–3. Orders and Affidavits referred to in preceding Petition, and appended thereto., viz. :—

(f^1.) Order of Lords Commissioners of the Great Seal, dated 26 Nov. 1690, made on an Order of Council of 6 (received 13) Nov., referring to them a complaint of Col. Leighton in relation to the passing a patent for him of the office of Warden of the Fleet. Their Lordships, assisted by Holt, C. J., Pollexfen, C. J., and Baron Nevill, unanimously declared that the Inquisition was void in law for the uncertainty and other imperfections therein contained, and ought therefore to be quashed, but respited the quashing until his Majesty's pleasure should be known.

(f^2.) Order of same, dated 28 Nov. 1690, upon motion made before them by Mr. Sloane, Counsel for Defendant, directing the Inquisition to be quashed, unless cause is shown to the contrary by Col. Leighton on the first day of the next term.

(f^3.) Order of same, dated 25 June 1691, upon motion made by Mr. Sloane, directing the Inquisition to be quashed, the Attorney-General declaring that he had acquainted his Majesty with the matter and had no direction to the contrary.

(f^4.) Affidavit of John Higgons, of the Inner Temple, Gent., Attorney and Solicitor of Col. Leighton, that he has failed to find, after searching the Registrar's minute books, any minutes or instructions made or given on 18 Nov. 1690, when all parties were heard by their Counsel, and that since that day, with the exception of Minutes on 26 and 28 Nov. 1690 and 25 June 1691 [*see* three preceding Papers], he has never heard of or had any notice given of any further debate or motions made in this Cause, and never heard of any further order till 13 December last, when the Clerk of the Petty Bag informed him that he was then served with an Order for quashing the Inquisition found against the Warden of the Fleet. *Sworn* 7 Jan. 1692 before S. Keck.

(f^5.) Affidavit of same, that he has failed to find, after searching the office for filing Affidavits in Chancery, any affidavit there filed showing that notice was given to the Clerk of the Petty Bag for Col. Leighton to show cause against quashing the Inquisition, according to the Order of 28 Nov. *Sworn* 5 Jan. 1692 before Ad. Ottley.

(f^6.) Affidavit of same that, after searching in the Petty Bag Office, on 11 Jan., he found the Inquisition filed there not vacated, and that he believes the same still remains good and effectual in law. *Sworn* 11 Jan. 1692 before S. Keck.

(g.) 28 Jan. 1692–3. Lords' Amendments to the Bill. [Made in Committee 20 and 26 Jan. (Com. Book), and reported this day. (L. J., XV. 205). The four Provisoes following are appended hereto.]

(*h.*) 28 Jan. Draft of Proviso ✠, enabling Thos. Bromhall, the Infant, and Martha Johnson, Executrix of Henry Johnson, and all other creditors and mortgagees to prosecute or defend any suit in law or equity. [Agreed to in Committee 26 Jan. (Com. Book), and reported this day. (L. J., XV. 208). It is *verbatim* Sect. 3 of the Act.]

(*i.*) 28 Jan. Draft of Proviso A, saving the rights of the Lord Great Chamberlain. [Agreed to in Committee 26 Jan. (Com. Book), and reported this day. (L. J., XV. 208). It is *verbatim* Sect. 4. of the Act.]

(*k.*) 28 Jan. Draft of Proviso B, saving the rights of the Keeper of their Majesties' Royal House at Westminster. [Agreed to in Committee 26 Jan. (Com. Book), and reported this day. (L. J., XV. 208). It is *verbatim* Sect. 5 of the Act.]

(*l.*) 28 Jan. Amended draft of Proviso C, saving the rights of Baldwin Leighton, Esq., and their Majesties, and (as amended by the Lords) of any bodies politic or corporate and persons whatsoever. [Agreed to in Committee 26 Jan. (Com. Book), and reported this day (L. J., XV. 208). As amended afterwards by the Commons, by adding William and Thomas Norwood, the Executors of Henry Norwood and Anthony Smith, Sir James Astrey, Knt., and all other creditors of Thos. Bromhall, deceased,* it forms *verbatim* Sect. 6 of the Act.]

(*m.*) Modern MS. copy of the Act.

630. Dec. 12. L. Villiers' Estate Act.—Draft of an Act for the clearing and removing some doubts which may arise in an Act of Parliament intituled An Act for the vesting several manors, lands and rents in the counties of Lincoln, Berks and Devon in trustees, to be sold for the buying other manors and lands to be settled for the same or the like uses as those to be sold are now settled. [Read 1ª this day; Royal Assent 20 Jan. 1692–3. No amendments in either House. L. J., XV. 143, 192. 4 W. & M. c. 5. in Long Calendar.]

631. Dec. 13. Banbury Claim of Peerage.—Petition of Charles [Knowles, claiming to be] Earl of Banbury, as follows:—

To the Right Hon^ble^ the Lords Spirituall and Temporall in Parliament assembled.

Sheweth, That your Petitioner, being of right by descent Earl of Banbury, and a Peer of this realm, though as yet he has not been summoned to Parliament, and being now committed to Newgate and indicted for the death of Phillip Lawson, your Petitioner humbly prays that he may be admitted to his trial by his Peers, as is usual in like cases, and if any question thereon shall arise, that he may be heard by his Counsel at the Bar of this most Hon^ble^ House, and that in the meantime he may be admitted to bail.

And your Petitioner shall ever pray, etc.—BANBURY.

L. J., XV. 146. [On 9 Jan. 1692–3,† Counsel being called in on this Petition, *Mr. Finch* (for Petitioner) states the case of the pedigree. In the Convention of 1660, Nicholas sat in this House. In the next Parliament

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* *See* C. J., X. 839.

† The MS. Min. entries of proceedings on this and the following days are given, except where here noted, in the Report of the Committee for Privileges on the Banbury Peerage of the proceedings heretofore had, touching the said title, which is printed *in extenso* in L. J., XLVI. 563–76 (13 April 1808), but with several inaccuracies, which are here corrected.

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he was omitted to be summoned. States the proceedings in this House. No man ought to have his illegitimacy questioned after his death. *Sir Thomas Powys* (for Petitioner): We have the Patent whereby he was created. The only question is whether he was born while in wedlock, which I do not find questioned. If the children are born in wedlock, there is no question to be made in it. There was claim made in 1660, as appears by the Books. We can show the Patent. Nicholas sat in Parliament in the Convention after the King's return, 6 June 1661. They read. It was read out of the Journal, where he was named of two Committees. *The Attorney-General* is heard. The thing having been before this House several times, the King does not think fit to interpose in it, but to be passive and leave it to the judgment of this House, and when the House has determined, he will do what is proper. Counsel withdrew and the Speaker reported. *Moved* that the two Inquisitions be brought; that the Heralds attend and bring with them all papers and matters relating to this business, and that the Attorney-General attend, to be further heard if he shall think fit. *Ordered* accordingly, as in L. J., XV. 177. (MS. Min., 9 Jan.)

On 14 Jan. 1692–3 Counsel were called in. *John Ditchfield* sworn as to the truth of the Inquisitions formerly taken in this case. *Ordered* that the Records be sent for presently. Counsel and Heralds called in again. *The Heralds* were told they were sent to. They say they have but one thing, which is a certificate after the death of William, Earl of Banbury. The certificate is read by the Heralds at the Bar. 25 May 1632 he died and was interred June following in Bray Church. This Certificate was taken by Sampson Lennard, Blue-mantle. This was a private funeral. If it had been public, we had taken them. We have nothing more. *Mr. Finch:* We attend to hear what objections are made. We hope this is none. *Sir Thomas Powys:* These matters are of little credit. Sir William Dugdale has printed what is false,—that this Certificate was signed by the Countess. Now a man's life is in question, which makes things mighty different from all the claims in former time in this case. Asked what estate of William, Earl of Banbury the now person inherits? There is something they say—Bowling Green at Henly. This Certificate, the Herald says, has lain in the office publicly many years. Asked, what is become of the lands? The lands were settled and given away by William, Earl of Banbury. *The Solicitor-General* came. He is asked how he came hither? The papers, he says, were put into his hands by Mr. Attorney-General's servant [? secretary]. Counsel withdrew. *Moved* to call in Mr. Solicitor-General. The Order read of 13 Dec. concerning hearing the Attorney-General in this business. [In margin: 16 & 17 Q. Eliz. Onslow, L. Bacon.] A debate arose concerning taking care that for the future the Attorney-General should be always an Assistant to this House. *Moved* that it be referred to the Committee for Privileges. *Ordered* that an Address be prepared by the Committee for Privileges for the Attorney-General to attend as an Assistant.* Counsel called in again. *The Attorney-General:* Upon his Majesty's hearing of

* L. J., XV. 183. In Committee for Privileges on 18 Jan., E. Warrington in the Chair, the Clerks were ordered to search for precedents. *Ordered* that Mr. Pingrey, the Clerk of the Petty Bag, bring on the 21st the Pawns in the Petty Bag office wherein the Writs are entered, whereby the Master of the Rolls or the Attorney-General are summoned as Assistants to the House of Peers.—On 27 Jan., E. Stamford in the Chair, the following Precedents are read:—27 Q. Eliz. Dec. 9. Attorney present. 29 Eliz. March 15. *Ordered* that the Clerk of the Petty Bag attend on 1 Feb. with the Pawns wherein are Writs for the Masters of the Rolls and Attorney-Generals to attend. *Ordered* that the Clerks make copies of what precedents they find in this case. (Priv. Book.) Nothing further recorded.

this further, his Majesty has given me order to object what I can. The King seems surprised that one should come to ask to be tried as a Peer before he asks the King for a writ of summons. It is sixty years since the E. Banbury's death, and since [then] no Earl of Banbury has been owned by the Crown. It is hoped all the circumstances of the person will be very narrowly looked into. You make him incapacity of being a judge into the legislature, nay, I know not but you give him an estate too. The E. Banbury died; how can the Petitioner entitle himself to be Earl of Banbury? It will not be pretended the Earl knew he had a son; nay, that he ever knew his wife had a son. There was an Inquisition taken in Oxfordshire, the proper county. Dugdale says she, the Duchess (*sic*), subscribed a Certificate her husband died without issue. This second son was not heard of in many years. All that is pretended is that these children were born in wedlock. Case of Hospell & Collins cited, tried in the Common Pleas. He is no child; during the coverture not heard of; not that the mother had any child. The question is entirely whether Nicholas was legitimate or not, as if he was living; his death would not alter the case. He had no part of the estate of L. Banbury but Vaus [Vaux's]. I shall be told there was another Inquisition; but this was an artifice; the first Inquisition was never quashed. As to Nicholas' sitting in the Convention will be little in this case, the Committee was of one opinion and the House was of another opinion by bringing in a Bill. It will be very strange to admit him a Peer after these proceedings. *Mr. Finch* heard in reply to the Attorney-General. The matter desired is very great. This question does not decide the title to the lands. It is strange, says Mr. Attorney, at this time to set this matter on foot. But the occasion is great; he lies under the misfortune of being thought to have killed a man. *Sir Thomas Powys* heard for the claimant. Counsel withdrew, and the House went into debate of the case. *Question* put: Whether the House shall now proceed in the debate? Resolved in the *Negative*. Contents 31 (including 8 Proxies); Not-Contents 41 (including 3 Proxies). Tellers: E. Manchester and E. Feversham. Debate adjourned till the 17th, the first business.* (MS. Min.)

On 17 Jan. 1692–3, the Order being read for resuming the debate, the person that keeps the Records in the Rolls Chapel was called in, and read the original Inquisitions taken formerly in relation to this business. Debate resumed. *Mr. Grimes*, the Officer of the Rolls, was called in and asked if he had the Commission for taking the Inquisitions? He looked and found none. After debate, *Moved* that a vote be made that the Petitioner is the son of a supposititious child to the E. Banbury. After further debate, *Moved* that all the Judges be heard in this case [to] such questions as shall be asked relating to the points in law in this case. After debate, *Question* put whether all the Judges shall be heard in this case? Resolved in the *Negative*. Contents 29; Not-Contents 38. Tellers: E. Bridgewater and L. Godolphin. Leave to protest. *Question* propounded: Whether the Petitioner has any right to the title of Earl of Banbury? *Previous Question* put: Whether this Question shall be now put? Resolved in the *Affirmative*. Contents 40 (including 7 Proxies); Not-Contents 29 (including 2 Proxies). Tellers: E. Bridgewater and L. Godolphin. *Main Question* put and resolved in the *Negative*. *Ordered* that the Petition be dismissed. (MS. Min.; L. J., XV. 187.)

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* A cancelled entry here adds: "A debate arose concerning a Lord's mistake in voting and not going out."

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The MS. Minutes of 2 and 5 Dec. 1693 contain the following further entries, which do not appear in the Journal of those dates, or of 13 April 1808, and have hitherto been unnoticed, viz. :—

2 Dec. 1693. House *moved* that a Lord may explain what he meant by saying the Judges had misbehaved themselves to this House. *E. Rochester* says it relates to the Justices of the King's Bench, concerning a gentleman that pretended to be Earl of Banbury. He petitioned to prove his title here, and the House, after hearing, declared and ordered he had no title to that claim, and this gentleman is not tried to this day. *Moved* that the Justices of the King's Bench give an account whether the person that claimed the title of Earl of Banbury be tried, and, if not, their reason why. That they deliver a State of the case. To give an account how the state of the person's claim to be E. of Banbury stands. *Ordered* that all the Judges of their Majesties' Court of King's Bench do attend on Tuesday next.

5 Dec. 1693.* House *moved* to hear the Judges as to what was done in the pretended Lord Banbury's case. *Holt, C. J.* heard: Ch. Knowles was in November accused of murder. He moved for a *certiorari*. We granted a *certiorari* in general. We arraigned him at the Bar by [the name of] Charles Knowles. We expected an answer. He came with a special Plea and a Patent, and derives himself from that Patent. We must receive any Plea. The *Attorney-General* replied: The proceedings [are] before this House. He has demurred to this, and we can go no further.

The matter next came before the House on 22 March 1693-4, when the House was *moved* that an account should be given of the business of the person claiming the title of E. Banbury. *Moved* that the Attorney-General give the House an account of it. The *Attorney-General* was heard: This matter stands upon a demurrer in the King's Bench. The matter ought to have been forwarded by him, and so the Attorney-General was to take it up and not (*sic*) it is appointed Hilary term. At the desire of Mr. Knowles the Court have granted another argument to be next term. *Moved* that the Attorney-General give this House an account in writing of the proceedings in this case in the Courts below. *Ordered* accordingly. (MS. Min.; L. J., XV. 401.)—On 11 April 1694 the *Attorney-General* delivered in the account (L. J., XV. 413–14 *In extenso*), after reading which, the House ordered the Judges of the King's Bench to attend on the 14th inst. (MS. Min.). —On 13 April 1694 they were ordered to attend, instead, on the 16th (MS. Min.; L. J., XV. 415).—On 16 April 1694,† *Holt, C. J.* was heard as to the proceedings in the King's Bench and stated the case (MS. Min.; no entry in L. J.); after which the House adjourned.

On 27 Nov. 1694,† after debate, *Question* put: Whether the Attorney-General shall give this House an account what proceedings there have been in the Court of King's Bench since the 11th of April 1694, in relation to the person who claims the title of Earl of Banbury? Resolved in the *Affirmative*. *Ordered* accordingly, as in L. J., XV. 436.—On 4 Dec. 1694 the *Attorney-General* gave the House an account that the cause was argued by one counsel on either side in Easter term. The Court gave their opinion in Trinity term last. He reads the Rule of Court for the Judgment and the Bail, and the Copy of the Record of the Bail. The proceedings in the Journal of 17 Jan. 1692 were read out of the Journal. *Moved*, that the Record be brought into the House. *Moved* to adjourn. After debate, *Question* put: Whether the House

* The whole of this entry is struck through.

† The proceedings of date are not included in the Report of 13 April 1808.

shall be now adjourned. Resolved in the *Negative*. *Ordered* that the proper officer in the Court of King's Bench bring before the House to-morrow the Record of the Indictment of Charles Knowles, whe claimed the title of E. Banbury, and the proceedings of that Court thereupon. Debate adjourned till to-morrow. (MS. Min.; L. J., XV. 438).—On 5 Dec. 1694 the officer of the King's Bench was called in. *Mr. Harcourt* at the table delivered the Record. *Moved* to have the Record read. A debate arose whether the Record shall be now read. Said debate adjourned to 12 Dec. (MS. Min.; L. J., XV. 439). On the 12th the debate was further adjourned to the 24th Dec. (L. J., XV. 443), and again on 22 Dec. to 2 Jan. 1694–5 (*ib.* 451), on which last-named day, however, the House did not sit, having adjourned on 30 Dec. 1694 to 3 Jan. 1694–5. No further proceedings.].

Annexed:—

(*a.*) 4 Dec. 1694. Copy of L. Banbury's Bail, viz.:—

"Inter Recorda Balliorum de Termino Sanctæ Trinitatis Anno VI°. W. &. M.

Midd. Carolus, Comes Banbury traditur in Ballium pro comparentiâ suâ hic in Curiâ in crastino et sic de die in diem quousque, &c., et non decedere sine licenciâ Curiæ.

No. iiij.

Erasmo Norwich, de Brampton in Com. Northton., Bart.
Galfrido Palmer, de Carleton in Com. Leic. Arm.
Edwardo Hales, de civitate Lincoln, Arm.
Thomæ Beverley de Interiore Templo, London, Arm.

Quilibet plegium corpus pro corpore.

Captum in Curiâ die Veneris prope Quindenam Sanctæ Trinitatis. Exam^um^ per Wintour.

Endorsed as brought in this day.*

(*a*[1].) 4 Dec. 1694. Rule of Court for Judgment in "Attorney-General *v.* Knolles," viz.:—

Die Mercurii prope Quindenam Sanctæ Trinitatis Anno Sexto Will. & Marie Regis et Reginæ.

Midd. Rex et Regina *v.* Carolum Knolles, Arm. } Super maturâ deliberatione Curiæ hic habitâ, cons[ideratum] est per Curiam prædictam quod Indictamentum versus Def. pro feloniâ et murdro, per nomen Caroli Knolles, Arm., cassetur. Ordinatum est quod priorum ballium exoneretur et tradatur in ballium de novo per nomen Caroli, Comitis Banbury pro comparentiâ suâ hic in Curiâ in crastino et sic de die in diem quousque, &c. Per Curiam.

[Appended to preceding.]

632. Dec. 13. Sir R. Smyth's Estate Act.—Draft of an Act for the sale of lands by Sir Robert Smyth, and settling other lands of a greater value to the same uses in lieu thereof. [Read 1[a] this day; Royal Assent 14 March 1692–3. L. J., XV. 145, 289. 4–5 W. & M. c. 41. in Long Calendar. No amendment in the Lords. The Commons' amendments, which were agreed to by the Lords (*ib.*, 279), are given in C. J., X. 841.]

Annexed:—

(*a.*) 2 Jan. 1692–3. Consent of Sir Robert Smyth to the Bill. *Dated* 26 Dec. 1692. *Attested* by Jo. Burrard and Will. Vesscy. [Produced in Committee† this day. Com. Book.]

* Neither this nor the next document is included in the Report of 13 April 1808.

† The MS. Min. of 21 Dec. 1692 have the following: "Committee revived, to sit tomorrow"; again, on 31 Dec., "Committee revived, to sit on Monday next"; and again, on 4 Jan., "Committee revived for tomorrow, 9 o'clock."

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(*b.*) 4 Jan. 1692-3. Consent of Jeffrey Jeffreys, Esq., to the Bill. *Dated* 4 Jan. 1692-3. [Produced in Committee this day by Mr. Lewis Lloyd. Com. Book.]

633. Dec. 14. Powell's Estate Act.—Draft of an Act for the settling of the Manor of Kingsnoth, for the enabling Barnham Powell, Esq, to make provision for his younger children. [Read 1ª this day; Royal Assent 20 Jan. 1692-3. L J., XV. 147, 193. 4 W. & M. c. 13. in Long Calendar. No amendments in either House. Com Book, 19 Dec.]

634. Dec 16. Sir W. Mannock's Estate Act.—Amended Draft of an Act for the enabling Sir William Mannock, Baronet, to charge his estate for the raising his younger children portions. The Lords' amendments are to insert the names of the trustees and the words "upon trust." No amendments in the Commons. [Read 1ª this day; Royal Assent 20 Jan. 1692-3 L. J., XV. 150, 193. 4 W. & M. c. 12. in Long Calendar.]

Annexed:—

(*a.*) 30 Dec. Minutes of proceedings on the Bill this day. [These proceedings are not entered in Com. Book of date. In Committee on 23 Dec., E. Manchester in the Chair,* a scruple arising concerning the value of the timber upon the estate, whether it was worth 5,000*l.*, the Committee adjourned the further consideration of the Bill till the 30th, when Sir W. Mannock should have leave to show that he had timber on his estate, by the cutting whereof he could commit above 5,000*l.* waste, and should then offer a Clause, to be added to the Bill, for settling in trustees for the benefit of the children the 5,000*l.* to be raised by the Bill. (Com. Book, 23 Dec.)]

(*b.*) 30 Dec. Paper marked A, giving the names of the trustees. [Reported this day. L. J., XV. 166.]

(*c.*) 30 Dec. Affidavit of Sir W. Mannock that he has power under his marriage settlement to commit waste, by cutting timber, &c., to the value of 5,000*l.*, should he make use of it to raise moneys thereby for his younger children. *Sworn* 29 Dec. before Lacon Wm. Childe. Mag. Canc. [Probably produced in Committee this day.]

635. Dec. 17. E. Aylesbury's Privilege (R. Noyes).†—Case of Mr. Robert Noyes, servant to E. Aylesbury. John Gosse, of Sarum, Wm. Gesford, of Worden, John Marshman and Charles Wills, of Neitherhaven, Bailiffs of the Sheriff of Wilts, by virtue of an execution against Noyes at the suit of Vincent Head, of Stowell, Wilts, yeoman, and Richard Watts, *alias* Waterman, junior, of Patney, Wilts, yeoman, on 14 June last entered into the Earl's house at Tottenham Park and seized Noyes' and the Earl's goods. The bailiffs, being informed of the breach of privilege, sent to Plaintiff's attorney, Mr. Richard Hayes, of Amesbury, who came with the Plaintiffs, Head and Watts, to the Earl's house and there promised to defend the bailiffs against the Earl as far as 500*l.* would go, which can be proved by Noyes and Humphrey Norborne, of Chute, Gent. *Noted* at foot: Humphrey Norborne and Robert Noyes sworn. L. J., XV. 150.

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* The MS. Min. of 21 Dec. have the following: "Committee revived; to sit tomorrow."

† Entered in L. J. as "Noyce."

Annexed :—

(*a.*) 31 Dec. Petition of Richard Watts, *alias* Waterman, Vincent Head and Richard Hayes, now in the custody of the Serjeant-at-Arms. Petitioners offended in ignorance, and pray to be discharged. L. J., XV. 168.

636. Dec. 17. Hurt *v.* Attorney-General of the Duchy of Lancaster, at the relation of Eyre.—Petition and Appeal of Nicholas Hurt, Esq., and Elizabeth, his wife, sister and heir of John Low, Esq., deceased, who was son and heir of John Low, who was son and heir of Edward Low; and of George Nevill, Esq., son and heir of George Nevill, Esq., deceased, and grandson and heir of Richard Nevill, Esq., deceased. This Appeal is identical, except in adding Nevill as an Appellant, with the one presented on 23 Nov. 1692 (No. **606**). Thomas Eyre is here stated to have been retained as Counsel for John Low, the father, touching the Milkey,—a statement which appears to have been erased in the former Appeal. L. J., XV. 151. [The appeal was heard and dismissed on 12 Jan. 1692–3. *The Solicitor-General* and *Sir Thomas Powys* were heard for Appellant. *Mr. Ward* (for Respondent): Must the King neither have his rent nor his land? *Mr. Dodd* (for Respondent) was also heard. (MS. Min.; L. J., XV. 180.)]

Annexed :—

(*a.*) 21 Dec. Petition of Thomas Eyre, Esq. Their Lordships, on 14 Dec., dismissed the former Appeal for want of a proper Appellant, a mistake which has cost Respondent 50*l.* Prays that the Appellant Hurt and his wife may be ordered to reimburse him. L. J., XV. 160.

(*b.*) 29 Dec. Answer of Edward Northey, Esq., their Majesties' Attorney of their Duchy of Lancaster. Identical with his answer to the former Appeal (No. **606** (*a.*)). *Endorsed* as brought in this day. *Countersigned* Godfr. Thacker.

(*c.*) 29 Dec. Answer of Thomas Eyre, Esq. Identical, for the most part, with his Answer to the former Appeal (No. **606** (*b.*)). Adds that the Appellant Nevill produced no other evidence below to prove the King's covenant but his grant, which Respondent has reason to believe he now fears to produce. Neither Nevill nor his ancestors ever paid a penny rent for the premises for above 43 years. *Endorsed* as brought in this day.

(*d.*) 7 Jan. 1692–3. Petition of Appellants, that the hearing, appointed for the 12th inst., may be put off for a fortnight, their Attorney, Mr. Bagshaw, being in Derbyshire. *Endorsed* as read this day, nothing done on it. No entry in L. J. or MS. Min.

637. Dec. 20. Hastings *v.* Lady Churchill.—Petition of Caroletta Hastings, the widow and executrix of the late Col. Anthony Hastings, deceased. Petitioner's late father, Sir John Churchill, on his marriage with Susannah, daughter of Edmond Prideaux, Esq., settled on her the manor of Churchill, co. Somerset, for a jointure after his death, with remainders to issue male, and created a term of years in trust to raise portions for daughters. No provision being made in that deed for their daughters, if Sir John married again after her death, leaving sons and daughters, Sir John executed another one, covenanting before 30. Nov. 1655 to purchase and settle other lands in Somersetshire upon the like trusts, or, failing his doing so, to pay certain sums for such daughters' maintenance, and Sir John accordingly purchased the manor of Backwell

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and other lands in Somersetshire. He died in 1685 without issue male, all his daughters being married in his lifetime except Petitioner, to whom he devised the manor of Backwell, after payment of the incumbrances thereon. After his death, Petitioner having married Col. Hastings, Dame Susannah brought a Bill in Chancery to charge the manor of Backwell and Sir John's real and personal estate with 100*l.* a year during her life, besides her jointure. Petitioner and her husband insisted that the covenant was only given to secure a maintenance for daughters if Dame Susannah had died in Sir John's lifetime, and was never intended to increase the jointure. The Lords Commissioners, however, on 16 Dec. 2 W. & M., decreed to Dame Susannah the 100*l.* a year since her husband's death. Col. Hastings, who commanded the *Sandwich*, was killed in the summer's engagement with the French fleet, and has left Petitioner his executrix. Prays that the decree may be reversed and Respondent ordered to answer. *Signed* by Appellant; *Countersigned* by Ge. Paunceforte. L. J., XV. 159. [The Cause was heard and the Decree reversed on 7 Feb. *Mr. Finch* and the *Solicitor-General* were heard for Appellant, and *Sir Ambrose Phillipps* and *Mr. Vernon* for Respondent. (MS. Min.; L. J., XV. 219.)]

Annexed:—

(*a.*) 11 Jan. 1692–3. Answer of Dame Susanna Churchill, Widow and relict of Sir John Churchill. Sir John, who received 2,500*l.* with his wife as her marriage portion, covenanted to settle lands worth 100*l.* a year on her in addition to her jointure. Respondent and her trustees, never doubting that he would perform this covenant, and expecting that he would make still further provision for his widow, being a man very eminent and a great gainer in his profession, never pressed him for a settlement in his lifetime. Prays that the decree may stand. *Signed* Susan Churchill. *Endorsed* as brought in this day.

638. Dec. 22. Sir J. Wentworth's Estate Act.—Amended draft of an Act to enable Sir John Wentworth, Bart., an Infant under the age of 21 years, to make a jointure out, and settlement, of his manors and lands in the Counties of York and Westmoreland. [Read 1ª this day; Royal Assent 20 Jan. 1692–3. L. J., XV. 161, 192. 4 W. & M. c. 6. in Long Calendar. The Lords' Amendments, made in Committee 30 Dec.,* after an adjournment eod. die. for the attendance of Sir J. Wentworth's brothers, are purely verbal (Com. Book), as also are the Commons' Amendments, which were agreed to by the Lords. (C. J., X. 771.)]

639. Dec. 22. Ruddle *v.* Cass.—Petition and Appeal of Robert Ruddle. Appellant, a merchant living in London, being requested to purchase some houses at Port Royal, Jamaica, for his correspondent there, Jeremiah, brother of Sir James Tillie, Kt., was applied to in 1690 by Respondent, who claimed them as purchaser for 400*l.* from Elizabeth, executrix and devisee of Rainsford Waterhouse, their owner. Appellant, on Tillie's behalf, agreed to pay Respondent 800*l.* for them. On the deed being prepared, Respondent's title appeared defective, but he prevailed on Appellant's scrivener to advance him 100*l.* upon it. Search being made at Port Royal, the conveyances to Rainsford were found not to have been enrolled, and by the law there defective, and Appellant was directed not to proceed with the purchase. Respondent thereupon claimed the purchase money and, without Appellant's knowledge, sealed a convey-

* "Committee on Sir J. Wentworth's Bill to meet tomorrow at 9 o'clock." (MS. Min., 29 Nov.)

ance to Tillie. Failing to recover the 700*l.*, residue of the purchase money, at law, he brought a Bill in Chancery against Appellant and the two Tillies for the sum. Sir James having demurred, and Jeremiah being dead, the cause was heard against Appellant alone on 12 Dec. last, when the Court decreed that the agreement should be performed and that Appellant, who acted only as Jeremiah's agent, should pay the 700*l.* with interest, the conveyance made by Respondent to Jeremiah to stand, if Respondent's title were found good and Jeremiah living when it was made, otherwise the conveyance to be made by Respondent to Appellant. Prays that this Decree may be reversed. *Signed* by Appellant; *Countersigned* by Jo. Tremayne and Wi. Williams. L. J., XV. 161. [The Cause was heard on 25 Jan. 1692–3. *Sir W. Williams* (for Appellant) opened the case. *Mr. Ward* (for Appellant): We have lost both our title and our houses to now. *Sir Ambrose Phillipps* (for Respondent) was heard. *Mr. Finch* (for Respondent): At the hearing of the cause a good title did appear. In Jamaica whosoever has possession of an estate, has a good title to it. It appeared at the hearing the full title, and then we ought to be decreed the money. There is no proof; but the title good there ought to be absolute. They read a receipt for the 100*l.* Counsel withdrew and the Speaker reported. After debate, Appeal dismissed and Decree affirmed. (MS. Min.; L. J., XV. 199.)]

Annexed:—

(*a.*) 2 Jan. 1692-3. Answer of John Cass, Esq. Respondent sold the houses as he bought them, and was only to secure against Mrs. Waterhouse, or procure her to join, in case her conveyance to him was not recorded in Jamaica. Appellant accepted a conveyance to the use of Jeremiah Tillie. Appellant has not proved the title defective, and has Tillie's purchase money in his hands. Prays that the Decree may stand. *Signed* by Respondent; *Countersigned* by R. Thornhill. *Endorsed* as brought in this day.

640. Dec. 22. Boevey *v.* Dame Anne Smyth and others.—Petition and Appeal of James Boevey. Appellant's mother Joanna, wife of Andrew Boevey and afterwards of John Abeel, having purchased in 1634 some lands and houses in Upper or Little Chelsea of Thomas Wood, the latter conveyed them to William Boevey, Thos. Waterhouse, Simon Dring and Henry Faldoe, in trust to convey them to such persons and uses as she should appoint, and, failing such appointment, to the use of Appellant, her son, and her four daughters, Joanna Clarke, widow, Mary Boevey, Elizabeth Le Mott, Widow (afterwards Elizabeth Bex), and Anne, wife of David Bonnell, and their respective heirs, in equal shares. By her will she gave the premises to her four daughters, and in case of any of them dying, her share was to go to her sister's children. After her death, the trustees, in breach of their trust, conveyed them to the use of the four daughters only. These, after levying fines among themselves, sold the premises to the trustee William Boevey, who devised them, with a personal estate of 30,000*l.*, to Respondent Anne, his widow, afterwards Dame Anne Smyth, for life, and after her death to their son John and heirs. The four daughters, who had only a life-estate, being dead, Appellant, as Andrew's son and heir, claimed the trust of the inheritance, and in 1676 brought a Bill in Chancery against Dame Anne Smyth and William Boevey's son John. On 17 Oct. 34 Car. II., the L. Chancellor Nottingham declared that the fines being levied to parties who claimed by Joanna Abeel's will and who knew of the trust, could not bar the trust, and that William

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Boevey's conveyance of the inheritance to the daughters was a breach of trust. He confirmed this decree on a rehearing on 14 Nov., save as to one point, which he reserved, but died before determining; but on 5 March 35 Car. II. the L. Keeper North, on a rehearing, dismissed the Bill. *Since this dismission, part of the estate is come to Henry, Lord Capell and Richard Garth, trustees for Elizabeth, John Boevey's wife, and part to Thos. Lownes and Elizabeth, his wife, for little or no consideration, who had notice of Appellant's claim.** Prays that the dismission may be reversed. *Signed* by Appellant. *Countersigned* by Will[m] Watts and W. Thomson. L. J., XV. 161. [The Cause was first heard on 4 March 1692–3, *Mr. Finch* and *Sir Thomas Powys* being heard for Appellant, and *The Solicitor General* and *Mr. Ward* for Respondents. After debate, dismission reversed. (MS. Min.; L. J., XV. 275).—On 6 March, the House being moved that the Judgment may be respited, "for that Mr. Lownes and his wife may be included therein, who were no parties in the Appeal," ordered that Lownes and his wife and Mr. Boevey should be heard by one Counsel of a side. (MS. Min.; L. J., XV. 277).—On 7 March Counsel were called in. *Mr. Ward* (for Lownes): This Bex is the wife of Lownes and no party to the decree. *Mr. Finch:* It is true there is a child living, but, however, that does not make it an estate tail, and will not affect Mr. Boevey. Wild's case is not in this matter. *Mr. Ward* heard in reply. *Mr. Finch:* We cannot execute this Decree to the prejudice of Mrs. Lownes. Counsel withdrew. *Ordered* that the Judgment be amended by adding the words ["but the same is to be without prejudice unto the other Respondents Lownes and his wife's right, *by virtue of the Will of Joanna Beale*,† to the premises in question, or any part thereof; who are at liberty at any time to defend the same, as they shall be advised"]. (MS. Min.; L. J., XV. 278.)—On 10 March, the House (on motion) ordered one Counsel on each side to be heard whether the words ("by virtue of the Will of Joanna Beale") should stand. (MS. Min.; L. J., XV. 283.)—On 11 March, Counsel were called in. *Mr. Ward* (for Petitioner, against the words): For this reason, Lownes and his wife were no party to the Decree below. *Mr. Finch* heard for the words to stand. Counsel withdrew. *Ordered* that all the words in the end of the Order after the word ("reversed") be left out. (MS. Min.; L. J., XV. 285.)]

Annexed:—

(*a.*) 11 Jan. 1692–3. Joint and Several Answer of Dame Anne Smyth, widow, and John Boevey, Gent. Appellant released his title to the premises and the personal estate of his mother, in submission to an award of arbitrators. Respondent John, on his marriage, transferred his interest to Sir Henry Capell, K.B., and Richard Garth, in trust for his wife's jointure. Elizabeth Bex, suggesting that she had mortgaged her two-thirds in 1658 to her sister Joanna, and that the latter had sold them to William Boevey, who devised them to Respondents, brought a Bill in 1683 against Respondents, disputing Joanna's right to sell, as being merely a mortgagee, and the Court decreed the redemption to her on payment of 764*l.* She dying before the money was paid, her daughter Elizabeth Lownes brought a new Bill against Respondents and John Boevey's wife Elizabeth and her two trustees, and L. Jeffreys on 23 Dec. 1687 decreed that all the parties should join in a fine and conveyance of the premises,

* The part in italics is noted, "Emendat. per ord. 26 Jan. 1692–3." *See* L. J., XV. 202, and Annex (*b.*) below.

† These words in italics are in L. J., XV. 278, but not in MS. Min.

limiting the use of so much as was in the possession of Dame Anne Smyth to her and her son John Boevey for their lives, then to Sir H. Capell and Garth in trust for John's wife Elizabeth. A fine was levied accordingly, so that Respondents now claim but part of the premises, worth 50*l.* a year. *Signed* by Respondents. *Endorsed* as brought in this day.

(*b.*) 26 Jan. 1692–3. Petition of Appellant. It appears by the Answer, that since the dismission, part of the estate in question is come to the now Right Hon. Henry, Lord Capell, and Richard Garth, Esq., as trustees for the wife of the Respondent John Boevey, and other part to Thomas Lownes and Elizabeth his wife, the daughter and executrix of Elizabeth Bex, deceased, the Petitioner's sister, and that one Jacob Lucy and Thomas Crispe are parties to the Deed. Prays that Lord Capell, Garth, Lownes and his wife, Elizabeth, wife of Respondent John Boevey, and Lucy and Crispe may be added as Respondents. L. J., XV. 202.

(*c.*) 6 Feb. 1692–3. Answer of Thomas Lownes and Elizabeth, his wife. The trustees conveyed to Joanna's four daughters in pursuance of the will. The matters in difference between Appellant and his three sisters (Mary Boevey being then dead) were referred in 1653 to three arbitrators, viz., Derick Host, William Crosse and George Morgan, of London, Merchants, on whose award, confirmed by the Court of Chancery, all the parties executed mutual releases to each other. Respondent Elizabeth, on her mother's death, became entitled to the redemption of her two thirds, and L. Jeffreys decreed the premises other than those in the possession of Dame Anne Smyth to the use of Thomas Lownes, who on executing the fine and conveyance was to pay Dame Anne Smyth 250*l.* and give a mortgage of the premises limited to him to Lord Capell and Mr. Garth for security of 500*l.* and interest at 5 per cent. Lownes complied with this decree, and has been put to the expense of about 700*l.* in connection with his share of the premises. Pray that the decree may not be reversed. *Signed* by Respondents. *Endorsed* as brought in this day.

(*d.*) 9 Feb. 1692–3. Answer of the Right Hon. Henry, Lord Capell and Richard Garth, Esq. John Boevey, in consideration of his wife's parting with 2,000*l.*, settled upon her marriage, towards payment of his debts, conveyed the premises to Respondents in trust to raise 1,100*l.* by sale for his wife's separate use, the rest to the use of himself. Lownes and his wife having brought their Bill for the equity of redemption of part of the premises, L. Jeffreys decreed as stated above, and a Fine was levied, the uses whereof were declared by all the parties, and Lownes demised the premises, so limited in use to him, to Respondents. Respondents are only concerned as trustees, and were no parties to the decree complained of. Pray that the Decree may not be reversed. *Signed* by Respondents. *Noted* at the foot, "The uses of the Fine abovementioned are by Deed limited to the effect in the Answer set forth. R. Freeman, 8 Feb. 92." *Endorsed* as brought in this day.

(*e.*) 15 Feb. 1692–3. Petition of Appellant. The Respondent Elizabeth Boevey has been served with their Lordships' order to answer, as appears by the Affidavit annexed to the Petition. Prays that she may be ordered to put in her answer forthwith, without which Petitioner is advised that he cannot regularly

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proceed to the hearing, part of the estate in question being settled in trust for her, and she to have the separate benefit thereof. L. J., XV. 230.

(*f.*) Affidavit of Wm. Punshon, referred to in preceding. *Sworn* 14 Feb. 1692 before Jo. Francklin.

(*g.*) 16 Feb. 1692–3. Answer of Elizabeth Boevey, the wife of John Boevey, Esq. Almost identical with (*d.*) above. *Signed* by Respondent. *Endorsed* as brought in this day.

641. Dec. 22. Superstitious Trusts and Uses Bill. — Draft, marked in margin for amendment,* of an Act for the vesting of superstitious trusts and uses in the Crown. For the more effectual [extirpation] *suppression* of all superstitious trusts and uses, which are yet too much continued and kept up by secret gifts, grants and provisions to and for such trusts and uses, and for the more express and plain declaration of the law touching the same; Be it [declared and] enacted by [their] *the King and Queen's* most excellent Majesties, &c, That all and every superstitious use and uses, trust and trusts, intents and purposes, of what name, nature or quality soever they are, for the maintenance or support of any of the superstitious rites, ceremonies and errors in the Church of Rome, that have been devised, covenanted, made, declared or raised before the passing of this Act, or that at any time hereafter shall be devised, covenanted, made, declared or raised, shall be and are hereby declared, enacted and adjudged to be forfeited to their Majesties, their heirs and successors, Kings and Queens of England. And it is further enacted and declared, That averments and proofs by parol shall and may be admitted to be made or given of any such use and uses, trust and trusts, intents and purposes against and out of any conveyance or assurance whatsoever, be the same by matter of record, deeds or deed or last will and testament, or otherwise howsoever, which at any time have been made, passed or suffered, or which at any time hereafter shall be had, made, passed or suffered, and although there be no writing specifying or declaring such use or uses, trust or trusts, any law, statute, usage or custom to the contrary notwithstanding. [Read 1ª this day; to be read 2ª and the two Chief Justices to attend. (L. J., XV. 162).—On 4 Jan. in C. W. H. (Bishop of Salisbury in the Chair) the above amendments were made. *Holt, C. J.*, being heard as to the word ("declared"), said: "It is a new law, and therefore it may be left out." On Report, stating that the Committee had found some difficulties in the Bill, and were of opinion that it should be given to the Judges to consider of it, the House ordered accordingly, the Judges to consider of what amendments were fit to be made, and to bring the same to the House on the 7th (MS. Min.; L. J., XV. 173).—On 7 Jan. the C. W. H. was put off till the 11th (L. J., XV. 175), on which day it was again put off till the 13th (*ib.*, 179). No further proceedings. See also under date 7 Nov. 1693.]

642. Dec. 22. D. Norfolk's Divorce Bill.—Draft of an Act to dissolve the marriage of Henry, Duke of Norfolk, Earl Marshal of England, with the Lady Mary Mordaunt, and to enable the said Duke to marry again. Identical with the Bill of 12 Jan. 1691–2 [No. **524**] except in the Preamble, where this Bill omits the following words in square brackets, and adds those in italics, viz.:—

* The amendments are supplied by the MS. Min. of 4 Jan., the omissions being shown by square brackets, and the additions by italics.

. . . "hath *upon a trial of law* convicted John Germaine to have had an adulterous converse with the said Lady Mary, wife of the said Duke, and hath* made full proof" . . .

. . . "Nor can [have any probable expectation of posterity] *hope for any other than spurious issue* to succeed him" . . .

[Offered to the House this day; *Ordered*, to consider on the 29th whether it ought to be received (L. J., XV. 162).—On 29 Dec., the order being read, House *moved* that the Question shall be put: Whether the Bill shall be rejected? *Moved*, to hear Counsel for and against the Bill. *Ordered*, That a copy of the Record of the Court of King's Bench, wherein Judgment is entered for the Duke against Germaine, be brought into the House on the 31st, and that L. C. Justice Holt then attend, and Counsel also to be ready to be heard, if the House shall think fit. (MS. Min.; L. J., XV. 165.)—30 Dec. Consideration, &c., put off till 2 Jan. (MS. Min.; L. J., XV. 167).—On 2 Jan. the Record was brought in and read. *Moved*, that L. C. Justice Holt be heard. *Holt, C. J.:* Desires time, if he must give an account of the whole evidence. *Moved*, to ask him whether the Duchess was concerned in the Action, and whether adultery was proved, and, if so, whether the Duchess was a party? *Holt, C. J.:* The Duchess was no Party, neither Plaintiff nor Defendant. It was between the Duke and Germaine. *Moved*, to ask him whether the Duchess could be made a Party? *Moved*, that the Counsel be called in, to hear them give an account of the verdict in the King's Bench. After debate, *proposed* to call in the Counsel and ask them for the Duchess, Whether the Duchess of Norfolk was asked to waive her privilege; whether, if she was, she would have done it? and the Duke's Counsel asked, Whether there were any new matters of fact urged in the Court below? After debate, the Counsel for the Duke and Duchess of Norfolk were [called in] and asked, (1) Whether the Lady Duchess was ever sent [to] to waive the privilege? *Sir Cresswell Levinz* says he does not know. (2) Whether, if she had been sent to and desired to waive her privilege, she would have done it? *Sir William Williams:* I believe she would have done it, for she gave her Counsel order to waive it, if the Duke would, and that she would do it. Counsel withdrew, and the Speaker gave the House an account. *Question* put: Whether the Bill offered to this House on the behalf of the Duke of Norfolk for dissolving of the marriage between the said Duke and his Duchess shall be read? Resolved in the *Negative*. Contents 32 (including 3 Proxies); Not-Contents 39 (including 4 Proxies). Tellers, E. Monmouth and L. Howard of Effingham. (MS. Min.; L. J., XV. 170.)]

643. Dec. 23. Place Bill.—Commons' Engrossment of an Act touching free and impartial Proceedings in Parliament.

§ i. Forasmuch as nothing can be of greater importance to the kingdom than that such persons as are elected by the people to represent them in Parliament should faithfully discharge that high trust reposed in them; And whereas in former Parliaments under the late Kings, several members have been so far corrupted as to neglect the true interest of the nation, preferring their own advantage before that of the public; Be it therefore enacted, and it is hereby enacted by, &c., That from and after the first day of February, which shall be in the year of

* *See* Howell's State Trials, Vol. XII. pp. 927–948. The MS. Min. of 23 Nov. 1692 contain the following entry not in L. J.: "House moved that the witnesses' testimonies that were taken in the [case of] the D. Norfolk *v.* his Duchess may be produced there, and that Mr. Relfe may attend at the trial with them."

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our Lord 1692,* no person or persons whatsoever (who shall after the said first day of February, 1692, be chosen into Parliament, whether as a Knight, Citizen, Burgess or Baron of any of the Cinque Ports) shall, from and after his election to serve in Parliament, during the continuance of that Parliament whereof he shall be a member, accept of any place, office or employment of profit from and under their Majesties or either of them, their heirs and successors. And it is hereby further enacted, that all and every person or persons, who shall after the said first day of February be chosen to serve in Parliament as a Member or Members of the House of Commons, and shall after such choice accept of any such place, office or employment of profit from and under their Majesties or either of them, their heirs and successors, shall be adjudged, and are, and is hereby declared to be, incapable and disabled in law, to all intents and purposes whatsoever, to sit in the said House of Commons and give any voice therein during that Parliament.

§ ii. And it is hereby further enacted, That in every case where any Member or Members of the House of Commons shall by virtue of this Act be disabled to sit or vote in the House of Commons, then and in every such case, without any further conviction or other proceeding against such Member or Members, the place or places for which any of them were elected, is hereby declared void, and a new writ or writs shall issue out of the High Court of Chancery by warrant or warrants from the Speaker of the House of Commons for the time being, and by order of the said House, for the election of a new Member or Members to serve in the House of Commons, in the place or places of such Member or Members so disabled to all intents and purposes, as if such Member or Members were † naturally dead.

§ iii. Provided always and be it enacted that nothing in this Act shall extend or be construed to extend to the Speaker of the House of Commons for the time being.

Parchment Collection. [Brought from the Commons and read 1ª this day (L. J., XV. 164).—On 29 Dec. (the next sitting day after the Christmas recess), after a motion "That the Bill be now read," (MS. Min.), the House ordered the second reading for the next day, and all the Lords to be summoned. (L. J., XV. 165).—On 30 Dec. the 2nd reading was put off till the next day. (L. J., XV. 167).—On 31 Dec. the Question Whether the Bill shall be committed was resolved in the affirmative, after debate, by 48 votes to 33. Tellers, E. Bridgewater and E. Aylesbury. The Previous Question on the Question whether the House shall be now put into a Committee, to proceed on the Bill, was negatived without a division (MS. Min.; L. J., XV. 169).—On 3 Jan. 1692–3 House put into Committee, V. Weymouth in the Chair, and after a long time spent therein, and several questions put upon the several paragraphs in the Bill, the Bill was read through. Title and Preamble read and postponed.

First enacting Clause read. House *moved* to alter this Clause, so that, after a man is incapacitated by the Bill, he may be chosen again by his county or borough. After debate, *Moved* to draw a Clause to leave it in the power of the county to choose again to the same Parliament the person disabled for having accepted office. *Question* put: Whether a Clause shall be added to the Bill to this purpose. Resolved in the *Negative*. Contents 40.; Not-Contents 44. Tellers, E. Feversham and L. Berkeley. Then the Clause was read again. *Question* proposed: Whether the word ("pensions") shall be added in the Clause? *Previous Question* put: Whether that Question shall be now put? Resolved

* "1 Jan. 1693" in the Bill reintroduced on 4 Dec. 1693.

† "had been naturally dead" in Ditto.

in the *Negative*. Contents 36; Not-Contents 45. [Tellers not named]. *Question* put: Whether the Clause last read shall stand in the Bill without any amendment? Resolved in the *Affirmative*. Contents 44; Not-Contents 37. Tellers, E. Feversham and L. Berkeley.

The next Clause read, for issuing out new writs. *Question* put: Whether this Paragraph shall stand part of the Bill without any amendment? Resolved in the *Affirmative*. Contents 42; Not-Contents 41. Tellers, E. Feversham and L. Berkeley.

The last Clause read, concerning the Speaker of the House of Commons. *Question* put: Whether this Proviso shall be part of the Bill without any amendment? Resolved in the *Affirmative*. Contents 43; Not-Contents 40. Tellers, E. Feversham and L. Berkeley.

Moved, That the House shall be resumed. *Question* proposed; Whether the House shall be resumed? *Previous Question* put: Whether this Question shall be now put. Resolved in the *Negative*. Contents 40; Not-Contents 43. Tellers, E. Feversham and L. Berkeley. Preamble read, and after debate, *Question* put: Whether this Preamble shall stand part of the Bill without any amendment? Resolved in the *Affirmative*. Title read and agreed to. *Ordered* to report what has been done.

House resumed, and V. Weymouth reported the Bill without amendment. *Question* put: Whether the Bill shall be now read a third time? Resolved in the *Affirmative*. Bill read 3ª accordingly. *Question* put: Whether this Bill shall pass? Resolved in the *Negative* (*sic*). Contents 42; Not-Contents 40.* Tellers: E. Feversham and L. Berkeley. Leave given to dissent on either side. A debate arose whether the Proxies that are entered this day should be allowed upon the Question?† *Question* put: Whether the Proxies entered this day shall be allowed? *Cont.; Not.*‡ Resolved in the *Affirmative*. Then the Speaker reported the Proxies, viz.: Contents 3; Not-Contents 7. The Speaker declared the Bill was rejected. (MS. Min.; L. J., XV. 172.) On 5 Jan. a debate arose concerning the entry in the Book concerning Proxies of 3 Jan. Committee appointed§ to consider of that entry and report to the House. *E. Rochester* reported "as to be amended" (MS. Min. Nothing of this in L. J.). This Bill was reintroduced on 4 Dec. 1693, with the variations noted in connection with the text above, and, after amendment, was refused the Royal Assent on 25 Jan. 1693–4.]

644. Dec. 23. Woollaston's Estate Act.—Amended draft of an Act for confirming the sale of certain Wood lands in the County of

* Exclusive on either side of Proxies, which afterwards turned the scale.

† The entry is given in the MS. Journal as follows, the words in square brackets being expunged: "The House having been divided [and counted] upon the abovesaid Question [which was by the Votes carried in the Affirmative], a Debate arose, whether the Proxies of any Lords, that were entered this day, should be allowed upon casting up the Proxies. Hereupon, this Question was put: Whether the Proxies entered this day shall be allowed. It was resolved in the Affirmative. [The Proxies being counted, it was declared that the abovesaid Question upon the Bill was carried in the Negative, and ordered so to be entered.] A marginal memorandum against the last expunged paragraph states as follows: "This entry should regularly have been inserted on the other side before the words ('It was resolved in the Negative')." This explains the otherwise unintelligible entry in L. J., XV. 172. The Division, therefore, including Proxies, was Contents 45; Not-Contents 47.

‡ These words in italics, *i.e.* "Content; Not-Content," not being followed by numbers, seem to show that a Division was challenged on this Question, but not insisted on.

§ The names of this Committee are not given in MS. Min., nor are their proceedings anywhere recorded.

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Southampton and certain Articles of Agreement made between Isaac Woollaston and Richard Woollaston, Esqrs. [Read 1ª this day; Royal Assent 14 March, 1692–3. L. J., XV. 163, 289. 4–5 W. & M. c. 26. in Long Calendar. The Lords' Amendments (Com. Book, 7 Jan.) are merely verbal. The Commons' Amendment (C. J., X. 807) was to add the concluding proviso with regard to the disposal of the purchase money.]

645. Dec. 23. Stone *v.* Bourne.—Petition and Appeal of Susan Stone. Complains of a decree in Chancery of 31 May 1690 and subsequent Orders, finding Appellant liable in respect of an alleged agreement, implying a partnership in trade, which Appellant states was imposed on her, being old and illiterate, by her son-in-law, the Respondent, without her knowledge, though she admits having put her mark to a certain entry which she did not understand. She had maintained Respondent and his family for many years, and there was a dispute as to the division of profits. Prays that the Decree and Orders may be set aside. *Signed* by Appellant, with her mark; *Countersigned* by Wi. Williams and Tho. Powys. L. J., XV. 164. [The Cause was heard and the Appeal dismissed with 20*l.* costs,* on 26 Jan. 1692–3, after hearing *Sir Thomas Powys* and *Sir William Williams* for the Appellant. (MS. Min.; L. J., XV. 202.)]

Annexed:—

(*a.*) 31 Dec. Petition of Respondent for further time to answer. L. J., XV. 168.

(*b.*) 9 Jan. 1692–3. Answer of Thomas Bourne. Sets out at great length the pleadings and proceedings. The business was a pawnbroking one, carried on by Appellant, Robert Stone, her late husband, and John Holland, husband of their daughter Martha, who, on Holland's death, married Respondent. Prays that the Appeal may be dismissed with exemplary costs. *Signed* by Respondent. *Endorsed* as brought in this day.

646. Dec. 29. Nene River Navigation Bill.—Draft of an Act for making the River Neene in the County of Northampton, navigable from Peterborough to Oundle in the said County of Northampton. The Bill is to the following effect:—

§ i. "Whereas the making navigable and passable with barges, boats, lighters and other vessels the River Neene, in the County of Northampton, from the City of Peterborough in the said County to the town of Oundle in the said county of Northampton, may (with God's blessing) be very advantageous, not only to the said County and places near adjacent, but to the public, by importing of sea-coal, deal, timber and other commodities from foreign parts, of which there is great scarcity in those parts, and by exporting of grain, in which the same county abounds, which, for some parts thereof, the farmers do carry their grain 20 miles through ill and dirty ways to sell, to the impoverishing of tenants and decay of husbandry, whereupon depopulation follows; besides, it will be beneficial for the increase, commerce and trade of able seamen and watermen, and the preservation of the highways"; the Bill therefore enacts that the Lords Commissioners of the Great Seal,†

* A motion that the Appellant should pay 40*l.* costs was negatived. (MS. Min.)

† A marginal note in pencil, struck through, says: "*Quære*, Why the Commissioners after-named may not have power by this Act to appoint under their hands and seals the Undertaker, and so save the charge of a Broad Seal? See the Act for draining Bedford Level, 15 Car. II.

L. Chancellor or L. Keeper, shall and may appoint, by Commission under the Great Seal, Undertakers with full powers to make the river navigable from Peterborough to Oundle, and for that purpose to cleanse, scour and open the same, and cut or dig the banks and remove all impediments, except mills, and make weirs, locks, &c., and cleanse, scour, open or cut the banks of any other stream or watercourse, and erect sasses, locks, &c., in or near the river or passages, and bring, lay or work all materials requisite for repairing the locks or turnpikes, and cut new channels for altering the course of the river, and do all things necessary for the purposes of the Act.

§ ii. And to prevent prejudice to any persons, or bodies politic or corporate, having any lands, tenements, &c. adjoining the river, the Undertakers, before meddling therewith, shall first agree with them for any loss or damage, or procure an order from the Commissioners, to be assigned for that purpose by the Act.

§ iii. And for the better effecting the premises, and for the due rating of the value of the things to be compounded for, if the parties shall not agree, a Commission or Commissions under the Great Seal * shall be granted, at the request and cost of the Undertakers, to (*blank*), which Commissioners, or any five of them (not being parties concerned) shall have power, by examination of witnesses upon oath, or otherwise, to hear and determine all controversies and questions concerning the premises, and decree satisfaction for losses sustained, ten days' notice of their meetings being posted in the market-places at Peterborough and Oundle, and left with all parties concerned; which determination shall be binding and shall be set down in writing under their hands and seals within six weeks after the first resort to them for that cause, and kept among the records of the Sessions of the Peace for the County, and on payment of the sums ordered, it shall be lawful for the Undertakers to proceed with the works for which such Order or agreement shall be made.

§ iv. When any of the Commissioners shall die, or become unfit for, or renounce the service, the Lords Commissioners, Chancellor or Keeper of the Great Seal† may fill their places from the nobility or knights and principal gentlemen of the County, dwelling or having estates within 15 miles of the river, which new Commissioners, not exceeding the original number, nor being under the number of (*blank*), or any (*blank*) or more of them, shall have all the powers of the original Commissioners under the Act; and all the Commissioners, so to be supplied in future, or any (*blank*) of them, shall have power to survey the river and haven, &c., and make such orders, &c. for the removal of impediments, annoyances, &c. as any Commissioners of Sewers may do in other rivers.

§ v. The Undertakers, with the consent of the Commissioners, may make orders and constitutions for the good and orderly usage of the river, &c., and rates for carriages thereon, with reasonable pains and punishments for their infringement, which orders and constitutions, being signed and sealed by the Undertakers, and allowed by the Commissioners or any (*blank*) or more of them under their hands and seals by [*sic*] the Justices of Assize of the county, shall be binding on all persons, and the same, together with transcripts, shall be kept amongst the records of the County Sessions by the Clerk of the Peace. Never-

* A similar note says: "*Quære*, Why the Commissioners may not be appointed and empowered by this Act, and so save the charge of the Broad Seal? See the Act for draining Bedford Level, 15 Car. II. c. 17."

† A similar note says: "*Quære*, Why the major part of the remaining Commissioners may not choose new ones, as it is in the Act for draining Bedford Level, 15 Car. II. c. 17?"

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theless, the said Justices of Assize, on complaint made by any persons aggrieved, may abridge, moderate, alter or reform the said orders and constitutions, as they shall find just cause. Special care shall be taken in assessing rates and making orders, and to prevent the Undertakers or any other from engrossing the commodities of the county, or imposing upon the markets.

§ vi. The Undertakers, their heirs and assigns, after having first given satisfaction as aforesaid, shall take and enjoy all the rates and profits payable for water-carriage, and receive all penalties imposed by the orders, and shall have power to sue for the same, or distrain or stop the goods, till payment is made, and all fines and amerciaments for any annoyances or offences to the hurt of the river shall be to their sole use and benefit.

§ vii. And for that the barges, boats, &c. must of necessity sometimes and in some places be haled up by strength of men, horses, winches, engines or other means, it shall be lawful for watermen, &c. to use winches, ropes and other engines and to go upon the banks in convenient places for that purpose.

§ viii. The river and works for making it navigable shall be in the sole rule, order and survey of the Undertakers and Commissioners, and not subject to any Commission of Sewers.

§ ix. Any person, against whom any action shall be brought for anything done by virtue of this Act, may plead the general issue, and give the Act in evidence.

[Read 1ª this day (L. J., XV. 165); Committed 9 Jan. 1692–3 (*Ib.* 177). The Committee met (V. Halifax in the Chair) on 11 Jan., and ordered all persons concerned to be heard on the 13th, on which day they met again (V. Longueville in the Chair), but only to adjourn to the 16th (Com. Book). No further proceedings.]

647. Dec. 29. Seymour's Estate Act.—Amended Draft of an Act for the better assurance of the Manor of Woodlands and Hundred of Knolton unto Edward Seymour, Esq. The Lords' amendments (Com. Book, 6 and 9 Jan. 1692–3)* are a verbal one, and another, inserting the date of the purchase of the manor by Edward Seymour. [Read 1ª this day; Royal Assent 14 March 1692–3. (L. J., XV. 164, 289). 4–5 W. & M. c. 29. in Long Calendar. Com. Book, Jan. 5, 6, 7 and 9.]

Annexed :—

(*a.*) 6 Jan. 1692–3. Consent of Sir Edward Seymour to the passing of the Bill. *Signed* Edw. Seymour. *Not attested.* [Read in Committee this day. (Com. Book.)]

(*b.*) 21 Jan. Petition of Ralph Hastings, Esq. Prays to be heard by Counsel against the Bill, having a very good title in reversion to the lands, of which the Bill, if passed, will debar him. L. J., XV. 194. [Counsel was ordered to be heard on 11 Feb. (*Ib.* 222), but there is no entry of any hearing.]

648. Dec. 30. Privilege of King's Servant (J. Harrington).—Petition of John Harrington, Esq. Petitioner, a gentleman of his Majesty's Privy Chamber in ordinary, as by the Certificate, annexed to the Petition, appears, was committed on 5 Dec. to the King's Bench prison in execution at the suit of Bullen Reymes, Esq. Prays for his discharge. [Read this day and Petitioner discharged. L. J., XV. 166.]

Annexed :—

(*a.*) 30 Dec. Certificate of E. Dorset that John Harrington is sworn as one of the Gentlemen of his Majesty's Privy Chamber

* The MS. Min. of 4 Jan. state that the Committee was "revived" for the next day.

in ordinary, by virtue of which place he is to enjoy all rights and privileges thereto belonging. His person is not to be arrested or detained without E. Dorset's leave, nor is he to bear any public office whatever, nor be impannelled on any inquest or jury, nor warned to attend at assizes or sessions, whereby he may pretend excuse to neglect his Majesty's service. *Dated* 14 May 1691. [Appended to preceding.]

(*b.*) 30 Dec. Extract from Records of Court as follows:—"Johannes Harrington reddidit se in Custod. Marescall. in exoneratione manucaptorum suorum adꝫ Bullen Raynes, Ar., 21 Januarii, 1691. Burleigh. W. Dolben.

M. (92) Et postea in Executione adꝫ Bullen Rymes, Ar., p̃. 200*l.* & 40*s.* Ettrick. C. Jones." [Appended to above.]

649. Dec. 30. Warre *v.* Praed.—Petition and Appeal of William Warre. Daniel Gates, a merchant in currants, sent in 1680 the ship *Old African* of London, of which he was the owner, with great sums and effects in her to Zante and the Morea, to bring home a cargo of currants, and consigned her to John Praed, a merchant then residing in those parts, with directions to buy and load the currants for Gates' account. Praed did so, and one Pindarves, his partner, paid for them. Gates received the currants and sold them, but never accounted to Petitioner, a partner in half the cargo, for his moiety. Petitioner having made good to Gates whatever was due on account of his partnership, and never having employed Praed as his factor for the cargo, is no ways liable to Praed, who bought on Gates' sole account, and never made any claim against Petitioner until after Gates' death, when, about two years ago, he brought a Bill in Chancery against Petitioner and Agnes, Gates' administratrix. The Court on 5 Dec. 1691 decreed Petitioner and Agnes Gates to account and pay, with costs of suit, and on 25 Feb. last refused their application for a Commission abroad to examine witnesses. Prays that the Decree and Orders may be reversed and proceedings stayed. *Signed* by Appellant; *Countersigned* by Tho. Powys and Rich. Holford, who certify that there is just cause of Appeal. [Read this day, and proceedings below stayed. (L. J., XV. 167.) The Cause was heard on 27 Jan., *Sir Ambrose Phillipps* and *Sir Thos. Powys* being heard for the Appellant, and the *Solicitor General* and *Mr. Ward* for the Respondent. Decree affirmed with 20*l.* costs. (MS. Min.; L. J., XV. 204.)]

Annexed:—

(*a.*) 13 Jan. 1692–3. Answer of John Praed. The cargo of currants cost about 20,000 dollars, of which Respondent received only 1,100. The bills of lading were not, as alleged, in Gates' name, but "for account of whom they concerned." Respondent could not bring his Bill earlier, as Appellant caused his books, &c. to be taken away from him at Zante. The application for a Commission was frivolous. Prays that the Appeal, which is merely for delay, may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Hen. Penton. *Endorsed* as brought in this day.

(*b.*) 26 Jan. 1692–3. Petition of Agnes Gates, Widow, and William Warre, Merchant. The Petitioner Gates was also a Defendant with Appellant, and has likewise brought her Appeal against the Decree and Orders complained of. Pray that the two Appeals, which are much for the same matter and the same cause, may be heard together. *Endorsed* as read this day and

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dismissed. L. J., XV. 203. [Gates' Appeal was brought this day, but withdrawn, on motion, on 6 Feb. (L. J., XV. 202, 216)].

650. Dec. 31. Bowtell and another *v.* Appleby.—Petition and Appeal of William Bowtell and Godfrey Webster. The Petitioner Bowtell fitted out at London in 1687, at the expense of 760*l.*, the ship *Unity*, afterwards called the *Asia Minor*, for a voyage to Algiers, with a cargo of above 3,000*l.* value, consigned jointly to Lionell Crofts and Respondent, the latter of whom he made master and super-cargo, instructing him to call at Malaga on his way home with wheat and barley, and bring thence his effects from one Robert Swaile, and giving him a bond to pay him out of the cargo what Crofts owed him. Respondent arrived at Algiers in June, but having there inveigled Crofts to sign his accounts, on promise of the cargo, he refused afterwards to admit Crofts with him in disposing of it, according to the consignment; and so quarrelling among themselves, the Government seized a great portion of it for Crofts' debts, and restitution being denied, Respondent thereupon, taking a certificate from the British Consul, prolonged his stay at Algiers unnecessarily till October, and did not return to London till after 17 months, having refused to take in goods tendered to him on Appellant's account, which the latter was bound by contract to deliver in London, but bringing two horses for the Duke of Grafton and coffee on his own account. On his return he brought a Bill in Chancery against Bowtell and the other Appellant Webster, who had bought the ship, for the expenses of the voyage, besides cargo, &c. Bowtell brought a cross-Bill for his cargo and for discovery of breach of orders. The Court, on hearing both causes, made a Decree on 19 Dec. 1690 and subsequent Orders, which Appellants pray to have reversed, assigning reasons. *Signed* by Appellants; *Countersigned* by William Squibb and Edw. Ward. L. J., XV. 169. [The Cause was heard on 23 Jan. *Mr. Finch* and *Mr. Ward* were heard for the Appellants, and *the Solicitor-General* and *Mr. Penton* for the Respondent. On question, whether the Decree shall be reversed, Resolved in the *Negative*.* Contents 13; Not-Contents 18. Tellers, V. Weymouth and L. Cornwallis. Decree affirmed accordingly. (MS. Min.; L. J., XV. 196.)]

Annexed:—

(*a.*) 9 Jan. 1692-3. Answer of Stephen Appleby. In 1686 Lionel Crofts, being owner of the ship *Asia Minor*, employed Respondent as her master, to take her from Algiers to London. On his arrival there in September, the Appellant Bowtell, Crofts' uncle, undertook to fit out and load the ship for a return voyage to Algiers. The cargo for this voyage, so far from costing 3,000*l.*, did not cost much over 1,000*l.* Respondent, being owed 150*l.* 15*s.* 8*d.* for wages, &c. for the previous voyage, only consented to go as master to Algiers on obtaining a bond for payment thereof by Crofts, but, the sum being left blank, the bond was worthless, as Bowtell well knew. Bowtell pretended, before parting with Respondent, that Crofts had embezzled a previous cargo, bought with public money, which he had sent him for the ransom of English captives, and had forged certificates under the English Consul's hands, of the redemption of several slaves, who had never been redeemed, and several others were only hypothecated to Leghorn for their ransom money, which was also kept by Crofts, the captives being left in slavery, as King James was informed. Bowtell further told Respondent

* The MS. Min. state wrongly "in the Affirmative."

that if he did not take another cargo to redeem these slaves, he was ruined; that Crofts owed him large sums, and would assign to him the ship on a bill of sale, which was accordingly prepared. Matters being thus settled, Bowtell carried Respondent to Whitehall before the Council, and there made a speech how happy it was for him and the poor slaves at Algiers that he had met with such an honest master as Respondent to carry the said cargo for their redemption, and withal assured the Council that all things should be complied with and the slaves redeemed, as the King expected, and by this means, and not till then, Respondent found the second cargo was none of Bowtell's, but was bought with money paid to him by the King and the Bishop of London, collected by charity throughout the kingdom, for the redemption of poor English captives at Algiers. The ship being at Gravesend, ready to sail, Bowtell gave Respondent two lists of captives to be ransomed, and some orders in writing to get the bill of sale signed by Crofts, to make strict scrutiny, name by name, for the captives demanded by the Lords and those on the Bishop's list, and bring back any he found, on the cheapest terms he could, out of the proceeds of the cargo, and to free Bristol and Barker of Weymouth out of any surplus. He was then to load up with rice, coffee, brooms and Malaga wax for England, or anything else more advantageous for Bowtell's interest, but to touch at Marseilles or Leghorn with what captives he brought off, full powers of discretion being left him as to the voyage home. Bowtell would have no partner in the ship nor in the cargo, and no other orders were given to Respondent. On Respondent's arrival at Algiers, Crofts signed the Bill of Sale, and Respondent delivered the cargo on shore, which was at once seized by the Governor and Bassaw, on pretence of a debt from Crofts to that Government, and not upon any quarrel or difference between Respondent and Crofts. Respondent, being in great distress, consulted the English Consul who advised him to stay there till the Duke of Grafton's arrival, and that was the only reason why he remained there so long, doing his best, in the meanwhile, but unavailingly, to recover the cargo, which Bowtell had sent colourably, to pacify the King and Council, knowing well it would be seized, and with the object of getting Respondent seized and kept in slavery, and thus concealing his wicked dealings. The captives to be released were about 48. On the arrival of D. Grafton, L. Berkeley and Sir Cloudesley Shovell before Algiers, with a squadron of men-of-war, in order to treat with that Government about confirming the former peace, the Duke sent L. Berkeley and Sir C. Shovell on shore, to go with the Consul to the Governor and demand the cargo, which they accordingly did; but the Governor refused, and called Respondent "dog" and bade him begone. Respondent then sought the Duke's protection, but, going on shore to get his clearings, was seized and dragged a prisoner into the town, and the natives were coming down to seize the ship also, but L. Berkeley, having notice of it, leapt off the mole into his boat and put off to Respondent's ship, calling for what firearms they had, and with the help of the ship's crew, cut the anchor cable and defended themselves against the natives and got the ship off to the Duke, who manned his boat and put out a flag of truce and sent to the Governor demanding the surrender of Respondent and the cargo. This so alarmed the country, that they

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gave up Respondent, but not the cargo, and Respondent was forced to leave without redeeming any of the slaves, several of whom are since dead, and with only 80 dollars to keep himself and men. Prays that the Appeal, which is vexatious, may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Hen. Penton. *Endorsed* as brought in this day.

(*b.*) 10 Jan. 1692–3. Petition of Respondent for an early day for hearing. The Appellant Webster was Bowtell's bail. L. J., XV. 178.

651. Dec. 31. Price's Estate Act.—Amended Draft of an Act to enable Roger Price, Esq., to sell some part of his estate for payment of portions to the daughters of John Price, Esq., deceased. [Read 1ª this day; Royal Assent 14 March 1692–3. (L. J., XV. 168, 289.) 4–5 W. & M. c. 35. in Long Calendar. The only material amendments made by the Lords in Committee (Com. Book., 17 Jan.)* are to add Cadwalader Wynne to the Trustees, and to insert the Proviso in Annex (*b.*) below. The Lords' Amendment on third reading (L. J., XV. 195) occurs in Press 6, Line 21, and is a purely verbal one. The Commons' Amendments are given in C. J., X. 825.]

Annexed:—

(*a.*) 18 Jan. 1692–3. Lords' Amendments to the Bill. [Made in Committee 17 Jan. (Com. Book), and reported this day. (L. J., XV. 188.)]

(*b.*) 18 Jan. 1692–3. Proviso as to vesting the unexpired term of 100 years in Owen Thelwall, the surviving Trustee. [Added in Committee 17 Jan. (Com. Book) and reported this day. (L. J., XV. 188.)

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652. Jan. 3. Ward and others *v.* Turnor.—Petition and Appeal of James Ward, Esq., Roger Jacson, Christopher Cratford, John Adams and others. Sir Edward Turnor, Knt., owing 16,000*l.* on mortgages, &c., applied for a loan to the Petitioner Adams, who agreed to furnish him with the money at 6 per cent. interest on an assignment of his securities, and thereupon Sir Edward in 1687 conveyed the premises to Petitioners as security for 13,000*l.*, and afterwards made a conveyance for 3,000*l.* more, both defeazanced for payment of the 16,000*l.* with interest at 6 per cent. The money lay ready to pay off the incumbrances on the estate as Sir Edward could get the incumbrancers to receive their moneys and assign their securities; but Sir Edward neglecting to get some of them to do this, part of the 16,000*l.* lay dead for some time in Adams' hands, though afterwards paid, and on Sir Edward's failing to pay either principal or interest, Petitioners brought their ejectment and obtained judgment. Sir Edward then brought a Bill in Chancery to redeem the estate, and the Court, on 30 June 1691, decreed him redemption on payment of principal and interest at 5 per cent., and that not from the time when the conveyances were sealed, but only from the times when the moneys were paid to take in the incumbrances, which it was incumbent on Sir Edward and not on Petitioners to procure. Sir Edward is thus discharged from paying interest on 6,000*l.*, which lay in Adams' hands to pay off the debt of one of the incumbrancers, Sir William Gosling, and Adams, who was only the Agent who provided the money, is to pay

* An entry in MS. Min. of 16 Jan. states that E. Radnor, V. Weymouth, and the Bishops of Lincoln and of Coventry and Lichfield were added that day to the Committee. The Bishop of Lincoln, however, appears in L. J., XV. 182, as one of the Committee originally appointed on 14 Jan.

Turnor the costs of the suit. Pray that the Decree may be reversed and Sir Edward ordered to answer. *Signed* by the Appellants named above; *Countersigned* by J. Somers and Wm. Whitelocke. L. J., XV. 171. [The Cause was heard on 10 Feb. 1692–3. *Sir William Whitelocke* (for Appellants): The question is whether the Court of Chancery can decree contrary to an agreement expressed, without a positive agreement to the contrary. The Chancery says: You shall have but 5 per cent., when the agreement is for 6 per cent. *Mr. Finch* (for Appellants): We complain of a Decree that allows us but 5 per cent. *Solicitor-General* (for Respondent): Sir Edward Turnor is to pay double interest. Sir William Gosling's money not paid. The whole sum is 13,000*l.* Mr. Adams was the man we dealt with. *Sir Ambrose Phillipps:* I cannot say we have proved any agreement against 6 per cent. The question is only between Mr. Adams and Sir Edward Turnor. 28 May 1687 the conveyances were executed, and interest is charged from 5 May. He gives us no copy of the deeds. Reads the items of the account. When he charges 14,000*l.*, he had actually paid but 3,000*l.* Says the Court: You shall have interest from the time you paid it. Depositions of Cramp, John Wilson, and Christopher Sparks read. The Account read. Deposition of Warwick Stephens read. *Sir William Whitelocke* and *Mr. Finch* are heard in reply. This Warwick Stephens was Sir Edward's foot-boy. Counsel withdrew, and the Speaker reported. *Ordered* that the Decree be reversed. (MS. Min.; L. J., XV. 223.) For further proceedings see Notes to Annex (*b*) below.]

Annexed:—

(*a.*) 19 Jan. 1692–3. Answer of Sir Edward Turnor, Knt. Adams agreed in 1687 to procure for Respondent, on the security of his estate, 20,000*l.* at 5 per cent., that being the highest rate of interest then, as now, generally paid for moneys lent on mortgages, and especially for considerable sums. Respondent treated with Adams alone, and Appellants Jacson and Cratford have declared that they lent no money, and that Adams used their names without their privity. The decree is only against Adams, who oppressed Respondent, and refused him counterparts or copies of the conveyances. Respondent thereupon applied to Sir Robert Clayton, who agreed to advance him 20,000*l.* at 5 per cent., if Mr. Ewer, who had passed the conveyances for Adams, would approve the title. Adams refused to show the deeds, and incited Respondent's creditors to prosecute him. Adds further details which appear in next Paper. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by P. Bowes. *Endorsed* as brought in this day.

(*b.*) 18 Jan. 1693–4. Petition of Sir Edward Turnor. Petitioner having agreed with John Adams, a scrivener, one of the Appellants, for a loan of a considerable sum, executed on 28 May 1687 an absolute conveyance, dated the 6th of the preceding April, of a great part of his estate to such persons as Adams nominated, in consideration of 13,000*l.* upon an agreement for a redemption thereof, 6,000*l.* of which was acknowledged by the deed to be paid to Sir William Gosling, one of Petitioner's creditors, and the remaining 7,000*l.* was mentioned to be paid to Petitioner, but by another deed of the same date it was declared that the 7,000*l.* should be paid by Adams to the rest of the creditors, according to their priority. Petitioner, being greatly imposed on by Adams in his accounts, there being only 100*l.* paid when the deed was sealed, and 3,700*l.* in thirteen

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months after by several payments, while Adams charged Petitioner with interest on the whole 13,000*l.* from 15 April 1687, being 700*l.* too much, brought a Bill in Chancery against Adams, as well as James Ward and Christopher Lethieulier, Esqrs., and Roger Jacson and Christopher Cratford, Gents., for redemption of his estate, and against Adams for his demand of 6 per cent. interest, and the Court, on 30 June 1691, decreed that he should redeem on paying 5 per cent. interest from the times each sum was advanced. This Decree was generally reversed by the House on 10 Feb. last, but it remained doubtful on what terms Petitioner should have the redemption and reconveyance of his estate. Prays their Lordships for a declaration, and for a short day for hearing both parties. L. J., XV. 346. [On 26 Jan. 1693–4, after hearing *Sir Thomas Powys* for Petitioner and *Sir Bartholomew Shower* for the Appellant Ward, the Judgment was explained with directions. (MS. Min.; L. J., XV. 353.)]

(*c.*) 24 Jan. 1693–4. Petition of Respondent. The suit in chancery which came up on Appeal to the House, was instituted in consequence of Adams having caused declarations of ejectment to be delivered for the mortgaged estate, which was worth between 40,000*l.* and 50,000*l.* Respondent gave a judgment upon the ejectment, subject to the order of the Court, whereupon an injunction was awarded to stay proceedings at law, which was continued by the Decree in Chancery. In May 1693, the Appellants moved that a Receiver of the estate might be appointed, and the injunction dissolved, but the Lord Keeper decided that he could do nothing. Appellants then took out execution on the judgment in ejectment, which forced Petitioner to bring a Writ of Error. Appellants have required from the Sheriff a return of the *Scire facias* for Petitioner to assign error, and even since notice of their Lordships' order to hear Counsel on the 25th inst., their attorney has taken the return away from the Sheriff, as appears by the Sheriff's letter annexed, and threatens to turn Petitioner out of the estate. Prays that all proceedings in ejectment and Writ of Error may be stayed pending the hearing of Respondent's last Petition. L. J., XV. 349.

(*c.*[1]) 24 Jan. 1693–4. Letter from Tho. Stokes to Respondent, referred to in preceding, stating that the attorney, Mr. Turvill, had required him to return the several *Scire facias* in his office against Respondent, to revive the judgment in ejectment at the suit of Daniel Alford, Gent., on the demise of Sir Jas Ward, Christopher Cratford, and Roger Jacson. *Dated* Clement's Inn, 23 Jan. 1693. [Appended to preceding.]

653. Jan. 3. Macclesfeild *v.* Macclesfeild and another.—Petition and Appeal of Ralph Macklesfeild, Gent. Petitioner's grandfather, Peter Macklesfeild, died in 1656, being seized in fee of the manors of Chesterton and Mare, and other lands in Staffordshire, worth 300*l.* a year. Being a Recusant, to shelter his estate from sequestration, he vested some estate in Chesterton in Andrew Vize and Thos. Clayton, and mortgaged for some inconsiderable sum or conveyed the manor of Mare to Charles Chapman, as trustees for himself and heirs. After his death, his second son, Thomas, Petitioner's uncle, procured conveyances of the manors, in the case of Chesterton, to the use of his wife Mary, the Respondent, and in the case of Mare, for himself, for little or no consideration. Appellant brought a Bill, and afterwards a supplemental Bill, in Chancery for discovery against Mary and her son

Peter, then an infant, but his Bills were dismissed on 28 Jan., 33 Car. II., on the ground that Appellant was illegitimate, notwithstanding the proof to the contrary. The conveyances were fraudulent, and Respondents had full knowledge of Appellant's title before they were made. Prays that the decrees may be reversed. *Signed* Ralph Mackellsfeild; *Countersigned* by Wi. Williams and Jo. Danyell. L. J., XV. 171. [The Cause was heard and the Decree affirmed with 20*l.* costs on 9 Feb., the *Solicitor-General* and *Sir William Williams* appearing for Appellant, and *Sir Francis Winnington* and *Sir Thomas Powys* for Respondents. *Sir Thomas Powys:* After two dismissions and fines, and two jointures, he is come hither. (MS. Min.; L. J., XV. 221.)]

Annexed:--

(*a.*) 20 Jan. Answer of Mary Macklesfeild, widow, and Peter Macklesfeild, her son, by Thomas Macklesfeild, her late husband, deceased. Peter, the grandfather, sold the manor of Chesterton, after the determination of a lease to one Badely, which expired in 1673 to Vize and Clayton, who sold it, also on valuable consideration, to Respondent Mary's late husband, who, in consideration of 800*l.*, part of her marriage portion, settled it on William Woodfeild, Thomas Lyon, and Thomas Barret, in trust for himself and his wife for their lives, and after them, for their son and his heirs. The manor, &c. of Mare descended to Respondent Peter, as son and heir of Thomas, who bought the inheritance expectant on the determination of a lease then in being from one Charles Chapman for 500*l.*, to whom it had been sold in 1631 for the same sum. Appellant's first Bill was dismissed on 27 Nov., 30 Car. II., and the second Bill was dismissed, with a conditional order for costs if he brought a further Bill. Respondents mortgaged the manors to John Jackson, of Wolverton, co. Stafford, and Richard Thorley, near Stafford, for 600*l.*, to defray their expenses of the suit, and paid off these mortgagees out of 1,100*l.* borrowed from Humphrey Perry on Chesterton alone. The Respondent, Peter, on his marriage with Margaret Bell, who brought him a considerable portion, vested both manors, which he held by purchase and inheritance, in trustees for himself, his wife and their children, and had borrowed money upon the premises; and the Appellant had taken no action for 11 years after the last dismission. Pray that the Appeal may be dismissed with costs, as vexatious. *Signed* by Mary Macclisfeild and Peter Macclesfield; *Countersigned* by Fra. Winnington. *Endorsed* as brought in this day.

(*b.*) 28 Jan. Petition of Appellant for a day for hearing. *Signed* Ralph Macklesfeild. L. J., XV. 206.

654. Jan. 3. Pitt's Estate Act.—Amended Draft of an Act to enable Trustees to sell part of the lands and tenements of Mathew Pitt, Esq., and Robert Pitt, Gent., for the payment of debts and to settle the rest of their lands upon the said Mathew and Robert, and the wife of the said Robert, and their issue. The Lords' Amendments* are to read ("Henry Wallis") instead of ("William Wallis"), and ("1,000*l.*") instead of ("2,200*l.*") as the debts on bond of the two Pitts; to add ("Charles Raymond") to the names of Trustees; to give Matthew Pitt the elder ("40*l.*") instead of ("60*l.*") yearly rent; to substitute for ("cease and determine") at the end of the section dealing with the

* The Commons' Amendment, to which the Lords agreed (L. J., XV. 249) is given in C. J., X. 816.

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portions, the words beginning ("attend and wait upon the reversion") down to ("for that purpose mentioned"); to insert the Proviso (Annex (*a*) below), and to substitute the Schedule A as in Annex (*b*) for one leaving blank the names of some of the bond creditors, giving 30*l.* instead of 20*l.* as the debt due to Bysick, and adding sums of 20*l.*, 30*l.*, 50*l.*, and 80*l.*, due to persons unnamed; the whole representing 19 sums, amounting to 1,190*l.* [Read 1ª this day; Royal Assent 14 March. (L. J., XV. 171, 289.) 4–5 W. & M. c. 30. in Long Calendar. Com. Book, 12, 17 and 19 Jan.]

Annexed:—

(*a.*) 21 Jan. Draft Proviso, marked ✠, appended to Bill. [Added in Committee 19 Jan., just before the Saving Clause (Com. Book), and reported this day. (L. J., XV. 194.)]

(*b.*) 21 Jan. Draft of Schedule A, appended to Bill. [Added in Committee 19 Jan., in lieu of the Schedule given above (Com. Book), and reported this day. (L. J., XV. 194.)]

655. Jan. 5. Popham's Estate Act.—Consent of Alexander Popham, brother of Sir Francis Popham, K.B., to the passing of the Act to enable Alexander Popham, Esq., to settle a Jointure upon his wife, and to make provision for younger children, upon receipt of 12,000*l.* Portion, to be applied for payment of his debts. *Dated* 14 Dec. 1692. [Read in Committee this day. (Com. Book.) The Bill was brought from the Commons on 29 Dec.; Royal Assent 20 Jan. (L. J., XV. 165, 192.) 4 W. & M. c. 8. in Long Calendar. Com. Book, Jan. 3, 5 and 6.]

656. Jan. 7. Nicoll *v.* Keigwin.—Petition and Appeal of Humphrey Nicoll, Esq. Petitioner's father, Anthony, being seized of the manor of Trelill, co. Cornwall, and other lands there, and also of the reversion of certain lands called Upton *alias* Tupton, expectant on a lease granted to Dorothy, wife of Thos. Hutton, Clerk, conveyed in 1652 the said manor and other lands to John Nicoll, Gent., and others, in trust to pay his debts and portions to his younger children, by demise or lease of the premises for any term not exceeding 21 years or three lives, reserving the ancient rents and services, and after such payment, to the use of Anthony and his heirs, with a proviso to be void on tender of 1*s.* to the Trustees. On Anthony's death, the reversion of Upton descended to Petitioner, his son and heir, then a minor. William Keigwin, having an estate next to Upton, bought in Dorothy's lease, and falsely pretended that he had agreed with John Nicoll for a conveyance to him of Upton, as being part of the manor of Trelill and consequently within the trust, although the clause in the deed, giving the Trustees power to sell, is interlined and inconsistent with the context, and pursuant to this alleged agreement John Nicoll in 1662 granted him the inheritance of the estate. William Keigwin died, and left his son John his heir and administrator, and the term for 99 years in Upton being expired, Petitioner brought his action to recover the lands. John Keigwin, being conscious of his defective title, brought a Bill in Chancery in 1685 to compel Petitioner to confirm the conveyance of Upton, which he pretended had been fairly purchased; and on 11 Feb. last, though it appeared that the trustees had no power to make the sale, the Court decreed against Petitioner with costs. The estate was not within the trust, nor was the pretended purchase money applied to the trust. Prays that the Decree may be reversed, and Respondent ordered to answer. *Signed* by Humphrey Niccoll; *Countersigned* by Edw. Ward and Jonath. Gorstelowe Snow, who certify that there is

just cause of Appeal. L. J., XV. 175. [The Appeal was dismissed with 40*l.* costs on 21 Feb., no Counsel appearing for the Appellant. (MS. Min. ; L. J., XV. 241.)]

Annexed:—

(*a.*) 27 Jan. Petition of Respondent for further time to answer, Respondent and his papers being almost at the Lands End in Cornwall. L. J., XV. 203.

(*b.*) 8 Feb. Answer of John Keigwin, Esq. The reversion of Upton did not descend to Appellant, being part of the manor of Trelill, and so conveyed to the trustees, who were Anthony's brother, John Niccoll, and his friends John Pincombe, Phillip Lower, and John Barrett. The trustees sold the inheritance of Upton for 147*l.* to Respondent's father, the purchaser of Dorothy's lease, by whom the estate was conveyed to Respondent. Knows nothing of any interlineation. On Appellant's coming of age, the trustees reconveyed to him the lands remaining unsold, and Appellant gave security by bond in 3,000*l.* to confirm all the sales made by them. Appellant brought his action after all the trustees were dead, and he had got all the deeds, showing Respondent's title, into his possession. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Chich. Yonge. *Endorsed* as brought in this day.

(*c.*) 11 Feb. Petition of Respondent for an early day for hearing. L. J., XV. 224.

(*d.*) 4 April 1694. Petition of Margaret, the relict, and James Keigwin, Esq., son and heir of Respondent. Respondent last June, through Samuel Hutchins, his servant, demanded payment of his costs, pursuant to their Lordships' order, but Appellant refused. Respondent dying the same month, left Petitioners his residuary legatees, who have taken out letters of administration. Appellant did not enter into any Recognizance. Prays that he may be compelled to obey their Lordships' order. [An expunged entry in MS. Min. of date states that the Petition was read this day. No order was made. No entry in L. J.]

(*d*[1].) 4 April 1694. Affidavit of Sampson Hutchins, of Burgan, co. Cornwall, stating that he served their Lordships' order of 21 Feb. 1692–3., on Appellant and demanded payment and produced a receipt ready for him, but that Appellant refused to pay. *Sworn* 29 March 1694, at Truro, before John Foote, Extraord. Mag. Canc Underwritten is a certificate of John Manley, J.P. for Cornwall, that Hutchins was duly sworn to the truth of the affidavit. *Endorsed:* Keigwin's Petition read; nothing done on it. [Appended to preceding Paper.]

657. Jan. 9. D. Northumberland's Privilege (John Smith).—Affidavit of John Smith, hunting groom of the stables to D. Northumberland, as to his arrest on 15 Aug. last, at the suit of John Sawyer, by Richard Best and Thos. Bishopp, bailiffs to the Sheriff of Middlesex, who took no cognizance of the Protection he produced. Deponent was kept 14 days in Newgate, and had to remove himself by Habeas Corpus to King's Bench Prison, before he could obtain his liberty. *Sworn* 6 Dec. 1692 before Rob. Legard, Master in Chancery. L. J., XV. 176. [*Smith*, being sworn this day, said the affidavit was true, and that he was a menial servant to the Duke. Asked whether he received wages, he said no. The *Duke* owned that he gave no wages. *Ordered* that the parties be attached (MS. Min.). On 11 Jan. the MS. Min. have

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as follows: "House moved that persons be called in concerning the breach of privilege of D. Northumberland. 'He said he would not obey it. I did not show him the order.'" (No entry in L. J.) White was discharged on the 18th (L. J., XV. 188). *See* also *Ib.* 287].

658. Jan. 11. L. Mohun (Murder of Mountford).—Petition of Charles, Lord Mohun. Petitioner, after voluntarily surrendering to the constable, was on 10 Dec. last carried before the Justices at Hicks' Hall touching the supposed murder of Mr. Wm. Mountford, where three of the Justices took the examinations of 13 witnesses, none of which could charge Petitioner with the murder, but it appeared that Mountford was killed by one Capt. Hill, who is since fled for it, whereupon the Justices took Petitioner's bail. Since then, a fresh warrant is out against him, and to avoid a chargeable imprisonment, he withdrew himself, but knowing his innocence, is willing and ready to surrender to the House. Prays for a speedy trial at the Bar, and to be admitted meanwhile to bail. [Read this day, and referred to the Committee for Privileges, with the assistance of Holt, C. J. (L. J., XV. 179). The proceedings consequent on this Petition were as follows:—

13 Jan. In Committee for Privileges, M. Halifax in the Chair, the Order of Reference and the Petition are read. [*Agreed*] to report, that they do not find any Precedent that a Peer was tried at the Bar of this House, but in Westminster Hall. Concerning Bail:—E. Lincoln's case cited. The Book was read in this case. E. Pembroke's case read, 22 March 1677. *Proposed* to consider the time he can be tried, and to send for what is found against him by the Coroner or otherwise. *Agreed*, that the Coroner's Inquest be sent for. *Proposed*, to consider what time he may be tried. [*Agreed*], That a convenient time be set for L. Mohun's trial, and that he be sent to the Tower of London. (Priv. Book.)—The same day the House was informed that L. Mohun had surrendered. *Ordered* that he be committed to the custody of the Black Rod until further order (MS. Min.; L. J., XV. 182).

On Report on 14 Jan. (L. J., XV. 183) the House made several orders (L. J., XV. 184), before which the MS. Min. have the following cancelled entry: "*Holt, C. J.*, heard as to the Coroner's Inquest or Indictment before the Grand Jury. *Moved*, that the Coroner's Inquest be sent for in relation to Mr. Mountford's death. After debate, *Question* put, whether the Coroner shall be" (*sic*).

The Committee appointed on 20 Jan. to inspect precedents of methods to be used at the Trial (L. J., XV. 193) met on 23 Jan., E. Bridgewater in the Chair, when the proceedings at the trial of E. Strafford, 19 March 1640, and in E. Pembroke's case, beginning 1 March 1677, were read. After ordering to report, a Petition of Sir Thos. Duppa, the Black Rod, complaining that he could not have goods of the Wardrobe for furnishing the House in Westminster Hall, according to the King's warrant, was read, but nothing done on it (Com. Book).—The Report was made on 23 Jan., after which the House made several further orders (MS. Min.; L. J., XV. 196).

On 25 Jan. the MS. Min. have the following, not in L. J.—"House *moved* that the number of tickets that are to be given out for placing of Peer's wives . . (*sic*). That the Surveyor-General be heard as to the number of places. *Ordered* that the Surveyor-General attend. *Ordered* to alter the order.*

* The House on 23 Jan. had ordered that every Peer should have 8 tickets for places (L. J., XV. 196). *See also Ib.* 206.

On 26 Jan. the MS. Min. in giving the order as to Peer's eldest sons going next after the Judges to the Trial (L. J., XV. 202), add "as formerly in the Lord Stafford's trial." This seems to be a mistake for "Strafford."

The proceedings and speeches of Counsel,* &c., at the Trial in Westminster Hall are printed *in extenso* in Howell's State Trials, Vol. XII., pp. 950–1050. With regard to the proceedings in the House, the MS. Min. supply some particulars in addition to what appears in the printed journals.

31 Jan. After the Bishops had delivered their Protestation and withdrawn, it was "*Moved*, that all the Lords now present shall attend the House to-morrow, and if any Peer shall be absent to-morrow, he shall be sent to the Tower. After debate, *Question* put, whether this House shall now go on? Resolved in the *Negative*. Contents 30; Not-Contents 50. Tellers: E. Rochester and L. Willoughby Er[esby]. *Proposed* to consider what shall be done to the Lords that are now absent.† After debate, *Ordered*," &c., as in L. J., XV. 210. (MS. Min.)

1 Feb. The House having resumed, after adjourning to robe, it was "*Moved* that the Judges do not come up with the Lords again. *Moved*, to know what penalty shall be on the Lords absent at the call of the House. *Ordered* that the debate of the Lords fined for being absent yesterday be adjourned till after the Trial is over."‡ Then follows the order respecting Peers absent this day, &c., as in L. J., XV. 211. The House being then called over, all the Lords were found present who were present yesterday.§ Then the House resumed the debate as to the presence of the Judges, and they were directed to withdraw into the Court below. Then the House went into debate of L. Mohun's case. After debate, *Moved* to ask the Judges, how far an accessory without malice prepense can be distinguished from the principal of the murder? After debate, *Question* proposed:—

Where a murder has happened, whether the law requires a premeditated malice against the person murdered in all the parties concerned, to make them all guilty for the same murder? *Noted* in margin "L. C." [? Lord Chamberlain].

That in case of a murder, where persons have been present, circumstances have been such, that the accessories or persons present have not been found guilty. *Noted* in margin, L. P. [? Lord President].

The following Question to be asked the Judges in Westminster Hall, was then proposed, and after amendment agreed to,‖ viz.:— In a case where [there shall be a principal in murder], *a man shall murder another*, whether those who are in [the company of the said principal] *his company* at the time of the murder, are so necessarily involved in the said crime [with the principal], that they may not be

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* Rough notes of the speeches, corresponding, so far as they go, with what appears in Howell, are given in the MS. Min. It appears that Mr. Wallop was one of the Counsel proposed for L. Mohun instead of Mr. Price. (MS. Min., 23 Jan.)

† *i.e.* E. Fauconberg, V. Newport, L. Lovelace, and L. Leigh (L. J., XV. 210). They left the House, says Luttrell (2 Feb.), on the 31st at the trial, and went out of Court, after summing up the evidence, before it was adjourned.

‡ This Order appears in L. J., XV. 210, in the proceedings of the previous day.

§ The original entry in MS. Min., which is struck through, was "The Lord Morley being absent, Ordered that he shall be committed and pay 100*l. ut supra*."

‖ The omissions are shown by square brackets, and the additions by italics. The Question, as agreed to, is printed *in extenso* in L. J., XV. 211, and in Howell's State Trials in the proceedings of 3 Feb. (p. 1015), when it was put to the Judges.

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separated from the crime of the said [principal] *person*, so as in some cases to be found guilty only of manslaughter. *Ordered*, &c., as in L. J., XV. 211.

3 Feb. After leave had been given, on motion, to the Judges to go to the Courts below, there being many Causes depending, "and the term near ending," the House went into debate of several Questions to be asked the Judges in Westminster Hall (L. J., XV. 211). *Moved*, that every Peer ask what question he pleases of the Judges in the Hall. *Proposed*, that every Lord shall propose the Question he intends to ask below in the House, to be agreed to, and then ask it below as his own Question. The following Questions were then proposed:—

Whether in the eye of the law the Lord Mohun was aiding and abetting in the murder of Mr. Mountford? *Noted* in margin: "E.r." [? L. Willoughby Eresby].

If a man kills another out of malice prepense, how far a man that is in his company at the time of the death is said in law to be aiding and assisting? *Noted* in margin: "L. St." [Lord Steward].

Whether a person having no express malice . . .? (*sic*). *Noted* in margin: "War." [? E. Warrington].

A, conscious of an animosity between B and C, A accompanies B in that place where B kills C. Whether A, without any premeditated malice to C, be guilty of murder? *Noted* in margin: "E. Mon." [E. Monmouth].

A, conscious of animosity between B and C, A accompanies B in a place * where C happens to come, and B kills C. Whether A, without any malice to C, or any actual hand in his death, be guilty of murder? *Noted* in margin: "E. Monmouth." *Agreed.*

If A [happens to] be in company with B, *where C happens to come*, [when] B kills C, A knowing before that B had a prepense malice against C, how far is A guilty in point of law, though without any prepense malice of his own? *Noted* in margin: "L. Steward. This Question was not put, the L. Steward desisting."†

"Whether, if A hear B threaten," etc., as in Howell, p. 1027. *Noted* in margin: "E. Scarborough." *Agreed.* *Agreed*, that these questions be proposed in the Hall by the several Lords, and the Lord High Steward to put them to their Lordships. *Agreed*, that Counsel of either side may [altered from "shall"] be heard to the Questions before the Judges answer thereunto.

The House then adjourned to Westminster Hall, and certain of the questions agreed to were asked of the Judges, &c., as in Howell (pp. 1,015 *sqq.*), and a further question, not previously agreed to, being proposed by E. Kingston, the Lords adjourned back to their House to consider it.‡ After debate, *Agreed*, that the L. High Steward tell the Court below that every Lord may ask what question he pleases, &c., as in L. J., XV. 212.

House adjourned again to Westminster Hall, and, after concluding the Questions § to the Judges, the Lords adjourned back to their House, when it was "*Proposed* to go on with the business. *Proposed* by some others to adjourn" (MS. Min.). *Ordered* as in L. J., XV. 213.

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* The words ("in a place") are omitted in Howell, *ut supra*, p. 1023.

† The Question is marked "Agreed," but is struck out. The Italics and square brackets represent additions to, and omissions from, the original draft.

‡ This appears from MS. Min. and Howell. The Lords' Journal records the adjournment, but not the reason.

§ In L. Cornwallis' Question the MS. Min. read ("will make William equally guilty with Thomas") instead of ("will make William guilty with Thomas") as in Howell, p. 1042.

4 Feb. After taking the votes as to L. Mohun, the *L. High Steward* declared the Lords that found him Guilty are 14, and Not Guilty, 69. The prisoner being discharged, and the L. Steward's Commission dissolved, the Lords adjourned to their House, and remitted the fines of the four Lords absent (L. J., XV. 214), after which the MS. Min. have the following:—"*Ordered* that it be referred to the Lords following (*blank*) to inspect the entry of this trial in the Journals of this House, any three to meet on Monday next at 9 o'clock in the Prince's Lodgings, near the House of Peers.* House *Moved* in the case of the Justices that bailed the L. Mohun. 1. The Justices sent for and examined the witnesses before them. 2. They bailed for a fact found by the Coroner's inquest murder."

13 Feb. On the Previous Question, as to remitting E. Ailesbury's fine of 100*l.* for absence during the trial, there were "Contents 38; Not-Contents 21. Tellers, E. Feversham and E. Westmoreland," and on the Main Question: whether the fine shall be remitted? there were "Contents 36; Not-Contents 21. Tellers as before" (MS. Min.). For further proceedings see Notes to Annex (*f*) below.]

Annexed:—

(*a.*) 30 Jan. 1692–3. Writ of *Certiorari* to the Commissioners of Oyer and Terminer for the County of Middlesex, to remove the Indictment found before them against L. Mohun, with the Return thereof and the Record of the Indictment. *Endorsed* "Jan. 30, 1692. Brought to the Office by one Mr. Walker, Deputy to Clerk of the Peace. John Walker, Deput., Math. Johnson, Cler. Parliamentor." Printed *in extenso*, in L. J., XV. 208–9, where, however, "X*l.*" on p. 209, should be "40*l.*," and Elizabeth Walker should be described as of "Aldersgate Street." The text, as printed in Howell, pp. 955–57, contains several inaccuracies. [*See* L. J., XV. 184 and Notes above under 14 Jan.]

(*b.*) 31 Jan. Commission for the Lord President, M. Carmarthen, to be Speaker. L. J., XV. 207. *In extenso.*

(*c.*) 31 Jan. Commission for the Lord President, M. Carmarthen, to be Lord High Steward. L. J., XV. 208. *In extenso.*

(*d.*) Paper entitled "A List of the Nobility." *Endorsed:* "L. Mohun's Trial." This List contains the names of 126 Temporal Peers. 85 of these, whose names are noted in the List with a mark in ink, constituted, together with the Bishops, the House on 31 Jan. and 1 Feb. (MS. Min.; and L. J., XV. 207, 211).† The remaining 41 are set out below. There was a call of the House on 31 Jan., before adjourning to Westminster Hall, and the Lords Temporal then answering to their names, constituted the Court, which was called over on Feb. 1, 3, and 4, according to the next Paper (L. J., XV. 211, 212, 214). This Call on 31 Jan., was pursuant to an Order of 26 Jan., ordering all the Peers to be summoned to attend the trial who were "in town, or within 20 miles thereof" (*Ib.* 202).‡ The 41 Peers, above referred to,

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* No mention of this Order appears in L. J., and no proceedings are recorded in Com. Book. It was, no doubt, merely a motion.

† Two of these 85, viz., E. Sussex and L. Sidney, were found absent on 3 Feb., but excused the next day (L. J., XV. 214). The remaining 83 were those who voted at the Trial. Garter's Roll of this Session (4 Nov. 1692), gives a total of 163 Temporal Peers, including L. Mohun.

‡ No proof of being outside these limits appears to have been required from those Peers who did not answer to their names on 31 Jan.

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of whom the 10 printed in italics* are struck out in this List, are as follows:—

D. Cumberland.	*E. Clarendon.*	L. Wharton.
D. Southampton.	E. Ailesbury.	*L. Paget.*
D. Beaufort.	E. Burlington.	L. Howard of Effingham.
D. Bolton.	E. Shaftesbury.	L. Grey de Werk.
D. Schonberg.	*E. Lichfield.*	L. Maynard.
E. Derby.	*E. Yarmouth.*	L. Coventry.
E. Rutland.	E. Berkeley.	L. Howard of Escrick.
E. Lincoln.	E. Holdernesse.	L. Byron.
E. Suffolk.	E. Torrington.	L. Ward.
E. Exeter.	V. Hereford.	L. Rockingham.
E. Leicester.	V. Saye and Sele.	L. Carteret.
E. Bristol.	V. Hatton.	L. Ossulston.
E. Berkshire.	*V. Sidney.*	L. Griffin.
E. Strafford.	L. Ferrers.	

(*e.*) 4 Feb. List of Lords voting this day at L. Mohun's trial. 14 are marked as voting G (guilty), and 69 as voting N (not guilty). The names are printed in Howell's State Trials, XII. 1048–9, where L. Eure is described as L. Evers. This List contains also the names of E. Sussex and L. Sydney, which are struck out.

(*f.*) 24 Feb. Petition of Charles, Lord Mohun. Petitioner stands acquitted by the judgment of their Lordships of the murder of William Mountford, yet one Susannah Percevall, pretending to be Mountford's widow, has procured a Writ of Appeal against Petitioner for the said murder since his acquittal, and threatens to prosecute it in the Court of King's Bench, which, as Petitioner apprehends, she purposes to do when their Lordships shall not be sitting. Prays their Lordships' directions. [Read this day, and L. Mohun's Counsel ordered to be heard on the 27th, and all the Judges to attend. (L. J., XV. 247.) On 27 Feb. this order was renewed for 3 March (*Ib.* 251). On 3 March, after reading the last order, it was *Resolved* as in L. J., XV. 273 (MS. Min.)].

659. Jan. 11. Hameldon Estate Act.—Amended Draft of an Act for settling and confirming the manors and lands in Hameldon, in the County of Rutland, as they are now enjoyed and have been for divers years last past, pursuant to an agreement for enclosing and exchanging of lands there. The Lords' Amendments (Com. Book, 20 Jan.),† are purely drafting ones. [Read 1° this day; Royal Assent 14 March. L. J., XV. 179, 289. 4–5 W. & M. c. 40 in Long Calendar.]

Annexed:—

(*a.*) 20 Jan. Affidavit of John Inett of the consent of the Dean and Chapter of Lincoln and of the Vicar of Hameldon to the passing of the Bill. *Sworn* 18 Jan. 1692–3 before S. Keck, Master in Chancery. [Read in Committee this day. Com. Book.]

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* Seven of these ten peers had not taken the Oath, as appears from the Roll. As regards D. Southampton, D. Bolton, and V. Sidney, it does not appear why they were here struck out.

† It appears from MS. Min., that the Committee on this Bill was revived on 14 Jan., to meet on the 17th, and again on 18th Jan., to meet on the 20th. No entry of this in L. J.

(*b.*) 21 Jan. Lords' Amendments to the Bill. [Made in Committee 20 Jan., and reported this day. Com. Book; L. J., XV. 194.] HOUSE OF LORDS MSS. 1692-3.

660. Jan. 12. Triennial Parliaments Bill [H. L.].—Amended* Draft of an Act for *the* frequent *calling and* meeting of Parliaments:—

[§ i. Whereas by virtue of divers laws and statutes, a Parliament ought to be holden at least once every year for the redress of grievances and maintenance of the laws and statutes of this realm; and forasmuch as the said laws have not in former times been duly observed; Be it therefore declared and enacted, by the King and Queen's Most Excellent Majesties, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, That the said laws and statutes, *made in the reign of King Edward the Third*, for holding Parliament [at least once in every year] be from henceforth duly kept and observed.

§ ii. And be it further declared and enacted by the authority aforesaid, That a Parliament be from henceforth summoned by writs under the Great Seal of England in the usual legal form and manner, to assemble and sit at *such place as their Majesties, their heirs and successors, shall* [*think fit to*] *appoint*, upon in the month of henceforth. And be it further enacted by the authority aforesaid, That in case it shall so happen that such Writs of Summons as aforesaid shall not be issued in due time for the assembling, sitting and holding of a Parliament upon the said in the month of in from henceforth, as aforesaid, That then upon the in the month of in , the Lord Chancellor of England, or Lord Keeper of the Great Seal of England, or every Commissioner and Commissioners for the keeping of the Great Seal of England for the time being, or any other person or persons, who shall be entrusted with, or in whose custody the said Great Seal for the time being shall be, are hereby required to seal with the said Great Seal of England, issue forth and send abroad all and every the several and respective Writs of Summons, used and accustomed to be sent forth for calling of Parliaments, and in the usual legal form and manner, for the summoning and assembling of a Parliament, to be holden at Westminster in the usual place upon the in the month of next ensuing the date of the said writs; and the said Lord Chancellor, Lord Keeper, Commissioner or Commissioners of the Great Seal of England, or any other person or persons, who shall be trusted with, or in whose custody the said Great Seal for the time being shall be, are hereby empowered, required and enjoined to seal with the Great Seal of England, issue forth, and send abroad all and every the aforesaid respective writs, which shall be, and are hereby enacted and declared to be of full force and effect in the law to all intents and purposes whatsoever. And all and every the Peers of this realm, and the Knights, Citizens, Barons of Cinque Ports and Burgesses, which shall be summoned or chosen by virtue of the said Writs, shall and are hereby required to appear at Westminster upon the in the month of aforesaid, to serve in Parliament accordingly. And if the said Lord Chancellor, Lord Keeper, or Commissioner or Commissioners of the Great Seal of England, or any other person or persons, who shall be trusted with, or in whose custody the

* The omissions are shown by square brackets, and the additions by italics, the amendments being supplied from MS. Min. After being amended as marked in §§ i. and ii. the whole of this Bill, except the Title, was rejected in favour of a new one (Annex (*a*) below), drawn by Justice Rokeby for a Select Committee specially appointed.

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said Great Seal for the time being shall be, shall refuse or forbear to issue forth the said writs of summons, according to the true intent and meaning of this Act, then he or they respectively shall be disabled and become and be, by virtue of this Act, incapable ipso facto, to bear, hold or execute his or their said offices respectively, or any other office or public trust whatsoever, and shall be further liable to such penalties and punishments as shall be thought fit by the next or any other ensuing Parliament to be inflicted upon him or them for a crime tending to the subversion of the whole Government. And all and every such Writs as shall be sealed and issued forth by virtue of this Act, shall be and are hereby declared and enacted to be of full force and effect in the law, to all intents and purposes whatsoever.

§ iii. And be it further enacted by the authority aforesaid, That in case any Parliament shall be from henceforth prorogued, or adjourned or continued by prorogation or adjournment unto any day after the first in the month of in , then such Parliament so prorogued or adjourned, or so continued by prorogation or adjournment, shall from the said in the said month of be thenceforth judged, deemed and taken, and is by virtue of this Act judged, deemed and taken to be legally and absolutely dissolved.]

[This Bill, which according to Ralph * was brought in by the Earl of Shrewsbury, was read 1ª this day. (L. J., XV. 181). In Committee of the Whole House the following proceedings are recorded:—

16 Jan. L. Cornwallis in the Chair. The Bill was read through. The Title and Preamble read and postponed.

First Enacting Clause read. Statutes 4 Edw. III. c. 14., 36 Edw. III. c. 10., and 16 Car. II. c. 1., read. Then this Clause and the next one were amended as shown in the text above. On considering how to fill the first blank in Clause ii., it was *Proposed* to alter the Clause: That Parliaments sit every year, a new Parliament every three years; No compulsory Clause in the Bill; A time set for the determination of this Parliament, and a Committee to draw up this Clause. *Ordered* to report accordingly. After debate, *Question* put: Whether the House shall be now resumed? Resolved in the *Affirmative*. Contents 32; Not-Contents 26. Tellers: D. Somerset and the Lord Steward.

House resumed, and L. Cornwallis reported as in L. J., XV. 185. Report agreed to, and Select Committee appointed to prepare a Clause accordingly, with the assistance of Mr. Justice Rokeby (MS. Min.).

In Select Committee on 17 Jan., *E. Stamford* in the Chair, a Clause drawn by *Mr. Justice Rokeby* was read and afterwards by paragraphs and agreed to be reported † (Com. Book).

18 Jan. *E. Stamford* reported the Clause, which was committed to a Committee of the Whole House forthwith. In C. W. H., *Bishop of Salisbury* in the Chair, the Clause was read through.

Preamble agreed to.

1st and 2nd Enacting Clauses agreed to.

The Clause for determining this Parliament. (Par. iv. of Annex (*a*) below) read. A debate was upon the time to be settled for determining this Parliament, and filling the blank. *Question* put: Whether the blank shall be filled up with ("the 1st day of January, which shall be in the year of our Lord 1693")? Resolved in the *Affirmative*. Then the Clause, as filled up with the date above, was read. *Moved* to name a Committee to word the Clause. The Clause, as worded, *agreed to*, and the last Paragraph in the Clause drawn to be inserted.

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* Hist. ii. 408. † Annex (*a*).

Then the Paragraphs in the old Bill read. The Bill read rejected. The 2nd Clause read rejected. The 3rd Clause read rejected. The Preamble read in the old Bill rejected. Title read. Amended by adding ("and to prevent the too long continuance of").* In the Title, after ("for") add ("the"), and after ("frequent") add ("calling and").

House resumed, and *Bp. of Salisbury* reported the Bill with Amendments and Provisos.† The Amendments read. Title read, and amended, and agreed to. The whole Bill read and agreed to, with an Amendment in the Preamble. Then a Paragraph agreed to the other day by the Committee was read and laid aside.‡ *Ordered* that the Bill be engrossed as amended, and read 3ª on 21 Jan. (MS. Min.; L. J., XV. 189).

20 Jan. The MS. Min. have the following entry, not in L. J.: "Agreed at 12 o'clock to read the Bill for frequent Parliaments, and the Cause to be sent out, if not over."§

21 Jan. Bill read 3ª. An Amendment made at the Table by altering ("is") to ("shall be"). Bill passed and sent to the Commons (MS. Min.; L. J., XV. 194), who amended it as stated in the Notes to Annex (*a*) below.‖ Royal Assent refused 14 March. *See* No. **736.**]

Annexed:—

(*a*.) 13 Jan. 1692–3. Amended Clause, marked ✠, as follows:—

Par. i. Whereas by the ancient laws and Statutes of this Kingdom ¶ made in the [time] *fourth and six and thirtieth years of the reign* of King Edward the Third, a Parliament ought to be holden every year; And whereas [it is the right of the subjects of this Kingdom to have] frequent *and* new Parliaments [and the having thereof tends] *tend* very much to the happy union and good agreement of the King and people; We, your Majesties' most loyal and obedient subjects, the Lords Spiritual and Temporal and Commons in this present Parliament assembled, do most humbly beseech your Most Excellent Majesties that it may be declared and enacted in this present Parliament; And it is hereby declared and enacted by the King and Queen's Most Excellent Majesties, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by authority of the same, That from henceforth a Parliament shall be holden once every year at the least.

Par. ii. And be it further enacted by the authority aforesaid, That within three years ** at the furthest from and after the dissolution of this present Parliament, and so from time to time for ever hereafter, within three years ** at the furthest from and after the determination of every other Parliament, [Your Majesties, your heirs and successors, do and shall cause to be sealed and issued out] legal writs *under the Great Seal shall be issued by direc-*

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* These words are not in the Title of the Bill as read 3ª (L. J., XV. 194). They were obviously left out on Report, as explained by the expunged entry, and those following it.

† The MS. Min. have here the following words expunged: "Then the House was moved that . . .; the word above mentioned was left out."

‡ This must refer to § i. of the old Bill, amended in C. W. H. on 16 Jan.

§ *See* notes to *Englefield* v. *Englefield*, No. **628.**

‖ The Commons' Amendments, which were made in C. W. H., and reported 9 Feb., are given in C. J., X. 808.

¶ The words ("*above mentioned*") are here interlined in the same hand as the other amendments, but afterwards struck through. This amendment was the one made on Report (L. J., XV. 189).

** The Commons altered ("three years") in this Clause into ("one year"). C. J., X. 808.

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tion of your Majesties, your heirs and successors, for calling, assembling and holding another new Parliament.

Par. iii. And be it further enacted by the authority aforesaid, That from henceforth no Parliament whatsoever, that shall at any time hereafter be called, assembled or held, shall have any continuance longer than for three years only at the furthest [from the first day of the first appointment thereof], *to be accounted from the day on which by the summons the said Parliament is* * *appointed to meet.*

Par. iv. And be it [likewise] further enacted by the authority aforesaid, That this present Parliament shall [on or before the day of next ensuing, be absolutely dissolved and determine] *cease and determine on the first day of January, which shall be in the year of our Lord* 1693,† *unless their Majesties shall think fit to dissolve it sooner.* [Reported from the Select Committee this day, and ordered to be engrossed. L. J., XV. 189.]

(*b.*) 18 Jan. Draft of concluding Clause (*i.e.* Par. iv. in last Paper) as amended. *Noted* as agreed to this day.

661. Jan. 13. Sir Edward Dering's Estate Bill.—Draft of an Act for the better enabling the Trustees and Executors of Sir Edward Dering, Bart., deceased, to sell lands by him devised for the payment of his debts. The Preamble recites that by Indenture of release, dated 8 May 1677, made between (1) Sir Edward Dering, of Surrenden Dering, co. Kent, Bart., and Dame Mary his wife, and Edward Dering, Esq., his elder son and heir-apparent, the Hon. Daniel Finch, Esq., now E. Nottingham, Sir Eliab Harvey, Knt., and Christopher Dering, Esq.; (2) Sir Nicholas Strode, Knt., Dame Katherine his wife (formerly the wife of Sir Wm. Cholmeley, Bart., deceased), and Elizabeth Cholmeley, eldest daughter of the said Sir William Cholmeley and the said Dame Katherine; and (3) Sir Hugh Cholmeley and John Savile, Esq., and the Hon. John Strode, Esq., Sir Edward Dering, in consideration of a marriage to be had between his son Edward and Elizabeth Cholmeley, and of her marriage portion of 6,000*l.*, settled the manor of Northwood Chastners in Kent to the use of himself for life, without impeachment of waste, and after his death, to the use of Dame Mary, his wife, for her jointure, and after their deaths to the use of his said son and his heirs male, remainder to the use of himself, his heirs and assigns for ever. After Sir Edward's death, his widow, on 27 May 1689, released to her said son, then Sir Edward, all her right to the premises, and accepted of a rentcharge of 70*l.* a year, chargeable on some other lands. Sir Edward the younger suffered a common recovery, and on 14 June 1689 by his will bequeathed the premises to his brother, Thomas Knatchbull, Esq., William Brockman, of Richborough, Esq., Major Ralph Buffkin and Roger Paine, Esq., of Otterden, as Trustees, to be sold for payment of his debts, the surplus to be invested in land to be settled in the same way as his capital, mansion-house, and park in the parishes of Pluckley and Little Chart, co. Kent. It appears by a Deed of 25 May 1685, that Dame Mary and her said son jointly conveyed the premises to Henry Dering for one year, to make him tenant to the *Præcipe*, in order to the suffering a common recovery, and the deed of release upon the same

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* Altered by the Lords on third reading to ("*shall be*"). L. J., XV. 194.

† Altered by the Commons to ("five and twentieth day of March, which shall be in the year of our Lord 1694"). C. J., X. 808.

being lost, a scruple may be raised by such person as shall treat for the purchase of the same. The Bill therefore enacts that the premises shall be vested in the said Trustees in such manner and no otherwise than as by the will of Sir Edward Dering the younger is directed, with the usual saving. [Read 1ª this day. (L. J., XV. 151.) No further proceedings.]

Annexed:—

(*a.*) Breviate of the Bill.

662. Jan. 17. Writ of Summons (Bp. of St. Asaph).—Writ of Summons to Edward [Jones], Bishop of St. Asaph. *Dated* 16 Jan. [Took the Oaths this day. L. J., XV. 186.]

663. Jan. 17. Ashby *v.* Crawford.—Petition and Appeal of Champion Ashby, of London, Merchant. The late John Swanson in 2 Jac. II. brought a Bill in Chancery against Petitioner, a dealer to Barbadoes, to account for the profits of a cargo of stuffs and perpetuanoes, of the value of 150*l.*, bought from Swanson and shipped for Guinea on board the pink "William and Betty," under an agreement that Petitioner should pay Swanson for the goods on his return, and have half the clear profits for himself. Petitioner answered by setting forth an agreement, whereby the goods were not to be accounted for till 30 days after the pink's return, which never was, being lost or broken up at Barbadoes on her voyage back. The Master of the Rolls on 11 Feb. 1687–8 referred the account and Swanson's agreement to a Master, who reported that no certain number of bales were shipped on Plaintiff's account. Swanson dying, the cause was revived by Respondents, who put in exceptions, which were allowed on 1 July 1692 by the Lords Commissioners, and Petitioner was directed to be charged with 222*l.* 13*s.* 6*d.*, with interest and costs, having thereout an allowance for a moiety of the clear profits. The Master accordingly has reported charging Petitioner with 353*l.* 14*s.* 4*d.*, which the Court on 3 Dec. has decreed him to pay by the first day of Hilary Term. Prays that the said Orders and Decree may be reversed, and that Henry Crawford and Anne his wife, and William Meadows and Katherine his wife may be ordered to answer, and a day appointed for hearing. *Signed* by Appellant; *Countersigned* by Tho. Strode and E. Ward. L. J., XV. 186. [The Cause was heard and the Decree affirmed with 10*l.* costs on 9 March. *Serjeant Strode* (for Appellant) opened the case. *Mr. Ward* (for Appellant): We assign two causes, (1) that there is no ground of evidence to charge us, (2) that what we have sworn the Chancery has decreed against upon a believing witness. *Sir Thomas Powys* (for Respondents): We bought the goods, he to have the half of the clear profit. *Mr. Filmer* (for Respondent) is heard. *Counsel* for Appellant heard in reply. (MS. Min.; L. J., XV. 282.)]

Annexed:—

(*a.*) 7 Feb. Petition of Respondents. Appellant has brought the Appeal to avoid arrest on process and for delay. He never served the order to answer on Petitioners, who live at King's Lynn, till 23 Jan., and intends, as Respondents believe, to withdraw himself and go abroad. Pray their Lordships to dismiss the Appeal, or else order Appellant to give security, and for further time to answer. *Signed* Thos. Ange, Solicitor for Petitioners, who live at Lynn, in Norfolk. L. J., XV. 218.

(*b.*) 14 Feb. Answer of Henry Crawford and Anne his wife, and William Meadows and Katherine his wife, Administratrixes of

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John Swanson, deceased. The Decree and subsequent Orders are founded on justice and equity. Pray that the Appeal may be dismissed with exemplary costs *Signed* by Tho. Filmer. *Endorsed* as brought in this day.

(*c.*) 1 March. Petition of Appellant for an early day for hearing. L. J., XV. 255.

664. Jan. 17. Abjuration Bill.—Draft of an Act to prevent Dangers which may happen from persons disaffected to their Majesties' Government.

For the better security of their Majesties' persons and Government, Be it enacted, &c., That every person, as well peer as commoner, who on the day of shall have, bear, or execute any office or any public employment of trust, civil or military, or shall be intituled to the profits or trust of any such office or employment within the Kingdom of England, Dominion of Wales or town of Berwick-upon-Tweed, or in their Majesties' Navy, or in the Islands of Jersey or Guernsey, or shall be of the household of their Majesties, who shall reside or be within the City of London or within the distance of thirty miles of the same at any time before the day of , shall before the end of Term take the Oath hereafter mentioned and set down in their Majesties' High Court of Chancery or Court of King's Bench, at such time and in such manner as by an Act made in the five and twentieth year of the reign of King Charles the Second, entituled An Act for preventing Dangers which may happen from Popish Recusants, is required concerning the Oaths therein mentioned and thereby appointed to be taken, and every such person, not being or residing within the said City or within thirty miles of the same, within the time aforesaid, shall on or before the day of , at the Quarter Sessions for the County or place where he shall reside or be, on the day of take the Oath herein mentioned and set down in open Court between the hours of nine and twelve in the forenoon; and that every person, who at any time after the day of , shall be admitted into, enter upon or take any such office or employment, or shall become intituled to the profits or trust of such office or employment, or shall be of the household of their Majesties as aforesaid, shall at the Term or Sessions next after such admitting, entering upon or taking such office or employment, or becoming intituled to the profits or trust thereof, or being of the household of their Majesties as aforesaid, take the oath hereafter set down in such Court, at such time and in such manner as by the said Act for preventing Dangers which may happen from Popish Recusants is required concerning the oaths therein mentioned and thereby appointed to be taken, all which shall be put upon Record in the respective Courts.

And be it further enacted, That in case any of the persons aforesaid shall neglect or refuse to take the Oath hereinafter mentioned and set down at the respective times and places and in manner aforesaid, such person so neglecting or refusing shall be and is hereby adjudged *ipso facto* incapable and disabled in law to have or enjoy any such office or employment, or any part thereof, or to have the profits or trust thereof, and every such office and employment shall be and is hereby adjudged void, and in case any such person, after neglect or refusal as aforesaid, shall execute any of the said offices or employments, or receive the profits thereof, such person, being thereof convicted, shall incur all and every the penalties, forfeitures, incapacities and disabilities mentioned in the said Act for preventing Dangers which may happen from Popish Recusants, and thereby enacted to incur upon persons executing any the

offices or employments therein mentioned after neglect or refusal to take the Oaths and Sacrament and subscribe the Declaration therein mentioned.

And be it enacted, That the Oath hereby intended and required to be taken shall be in the words following:—

I, A.B., do swear that I will be faithful and bear true allegiance to our Sovereign Lord and Lady King William and Queen Mary, and that I do not hold myself bound in any manner by any former Oath or other obligation of Allegiance to the late King James; And I do swear that I will not aid, or assist or hold any correspondence with the said late King James, in case he shall attempt to recover his pretended right to the Crown of this Realm by invading this Kingdom or otherwise, but will, to the utmost of my power, assist and defend their Majesties King William and Queen Mary, their Crown and Government, against all their enemies, and particularly against the late King James and his adherents.

[Read 1ª this day. (L. J., XV. 187.)* On 25 Jan., after the second reading, a debate arose whether the Bill shall be committed. *Question* put: Whether this Bill shall be committed? Resolved in the *Affirmative*. Contents 46 (including 8 Proxies); Not-Contents 41 (including 5 proxies). Tellers: L. Delawar and L. Berkeley. Bill committed to a Committee of the Whole House, and all the Lords summoned to attend, when the day of sitting shall be appointed. (MS. Min.; L. J., XV. 200.) No further proceedings.]

665. Jan. 17. Land Tax Act.—Amended Engrossment of Provisos (marked ✠) reported this day, for Peers assessing themselves for their offices and personal estates, and naming a Collector, C. J., X. 780 *In extenso*. The Lords' Amendment was simply to insert the date at the end. [The Bill, to which the above Provisos relate, was brought from the Commons and read 1ª on 13 Jan. (L. J., XV. 182).—On 14 Jan., immediately after the second reading of the Bill, an expunged entry in MS. Min. has, "Ordered to be committed to a Committee of the whole House [next after E. Banbury's case is over]." These last words in square brackets were first expunged, and then the whole Order was cancelled. At the end of the day's proceedings, including the Banbury claim of Peerage and L. Mohun's case, the Order then made for committing the Bill to C. W. H. appears in MS. Min. as follows, vizt.: "Ordered that the Money Bill shall be committed to a Committee of the whole House on Monday next at 9 of the clock forenoon [and that the Committee do then consider],† and that all the Lords be summoned then to attend; *and that if it be not despatched before 12 of the clock, the House shall leave it and proceed to the business then appointed.*‡ In C. W. H. on 16 Jan., *L. Godolphin* in the Chair, after agreeing to the Title and reading through the Bill, it was *Moved* that a Clause be added for the Peers to tax themselves for their personal estates. *Question* put: Whether there shall be a Clause prepared, to be added to this Bill, of the same nature with that in a former Poll Bill? *Agreed* to have a Clause that the Peers assess themselves for their offices and personal estate, and name a Collector of their own. House resumed, and *L. Godolphin* reported accordingly, to which the House agreed and named the Lords to be Commissioners, and ordered

* The Bill was brought in by E. Devonshire. Luttrell, 19 Jan. 1692–3.

† These words, which are not in L. J., XV. 184, are expunged in MS. Min.

‡ These words in italics are also not in L. J., XV. 184. The "business then appointed" was the second reading of the Triennial Bill (L. J., XV. 181).

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L. Godolphin to draw the Clause against tomorrow.* (MS. Min.; L. J., XV. 185).—On 17 Jan. *L. Godolphin* reported that he had drawn the Clause, and proposed that the blank should be filled up with the ("25th of March 1693"), to which the House agreed. Bill read 3ª, the Provisos added, and Bill passed and returned to the Commons (MS. Min.; L. J., XV. 187), who, after negativing the Provisos without a division, and agreeing to the Reasons,† reported from a Select Committee, for objecting to them, resolved to desire a Conference, and ordered Sir Thomas Clarges to take the Message (C. J., X. 780).—On 18 Jan. this Message was delivered to the Lords, who, after going into C. W. H. for freedom of debate, agreed to it, and named Managers.‡ The Conference being had the same day, the L. Privy Seal reported that the Commons could not agree to the Provisos. (MS. Min.; L. J., XV. 189).—On 19 Jan., on consideration of this Report, an expedient was *proposed*, that a Conference be desired and agree and tell them at a Conference that the House cannot agree with their Reasons. *Moved*, That the House be put into a Committee for freedom of debate. The Standing Order read. House put into a Committee accordingly, and after a long time spent therein, L. Cornwallis in the Chair, the Lords went on with the former debate. *Moved* to recede for this reason, because there is more in the Proviso than was intended by this House. *Moved* to name a Committee to draw what shall be offered at a Conference with the House of Commons. *Moved* to refer it to the Committee for Privileges. After debate, *Question* put (*sic*): Whether this matter shall be referred to the Committee for Privileges? *Question* put: Whether it is the opinion of this Committee to report to the House that this matter be referred to the Committee for Privileges? Resolved in the *Négative*. Contents 36; Not-Contents 50. Tellers, E. Mulgrave§ and E. Rochester. *Moved* that the Question be put whether the House shall be removed [? moved], that it is the opinion of the Committee that the House recede from their Proviso? After debate, House resumed. *Question* put: Whether the House shall be now adjourned? Resolved in the *Negative*. Leave to Protest. *Question* put: Whether this matter shall be referred to the Committee for Privileges? Resolved in the *Negative*.‖

* An expunged entry here adds, "Agreed to have 25 first named," after which it was at first proposed to name a Committee to draw the Clause, and then referred to L. Godolphin.

† These reasons are given *in extenso* in C. J., X. 780 and in a paper pasted into the MS. Min. of 18 Jan. opposite the entry of the Report of the Conference by the Clerk.

‡ The L. Steward was proposed as a Manager (MS. Min.). His name is not in L. J., XV. 189. Ralph has a curious statement that the Lords had no sooner sent down the Bill with the Provisos, than they went on the hearing of Lord Banbury's claim of Peerage, in order to frustrate the Commons' demand for an instant Conference, and while that business was depending, the Commons' messengers could not be admitted (ii. 398). The Conference desired was "a Conference," not a "present Conference," and there is nothing in either L. J. or C. J. to show that Sir Thomas Clarges, who had been ordered on the 17th to take the Message desiring it (C. J., X. 780), went to the Lords the same day and was not admitted; and, if so, he certainly did not mention it in his Report on the 18th (*Ib.* 782). As for the Banbury Peerage claim, the debate, etc., on the 17th had been already fixed by adjournment from the 14th (L. J., XV. 183).

§ Mulgrave supported this motion "to examine precedents" in a speech of several hours, which Burnet says was the finest he ever heard in Parliament. He adds (IV. 188) that the motion was made for delay, in the hope of putting a stop to the Bill.

‖ The Clerk had here entered the words "Cont. Not. Tellers, E. Mulgrave and E. Rochester," but afterwards expunged them, as no division took place.

Leave to Protest. *Question* put: Whether the House shall recede from the Clause in question? Resolved in the *Affirmative*. A Committee appointed to consider of what shall be offered at the Conference. (MS. Min.; L. J., XV. 190).—On 20 Jan. this Committee met, E. Rochester in the Chair, and agreed on the Reasons (Com. Book) which were reported the same day, and agreed to, after being altered.* A Message was then sent for another Conference, which was had, and the House resumed. The Lords not having insisted on their Provisos (C. J. X. 784), the Bill received the Royal Assent the same day. (MS. Min.; L. J., XV. 192.)]

666. Jan. 18. Hinde's Estate Act.—Amended draft of an Act for the vesting a Messuage and Lands in Trustees, to be sold for payment of the debts of Abraham Hinde, deceased. The Lords' Amendments (Com. Book, 28 Jan.) are purely verbal. No amendments in the Commons. [Read 1ª this day; Royal Assent 14 March. (L. J., XV. 205, 289.) 4–5 W. & M. c. 42. in Long Calendar.]

Annexed:—

(*a*.) 28 Jan. Lords' Amendments to the Bill. [Made in Committee and reported this day. Com. Book. L. J., XV. 205.]

667. Jan. 19. E. Pembroke's (Amendment of Records) Bill.—Amended† draft of an Act to set aside [several] Amendments and alterations made in the Records and Writs of a Fine and two Recoveries in the Grand Sessions held for the County of Glamorgan.

Whereas Thomas, Earl of Pembroke and Montgomery, now Lord Privy Seal, to whom divers manors and lands in the County of Glamorgan in the Principality of Wales were to descend and come as the next person in remainder in tail male after the death of Phillip, late Earl of Pembroke and Montgomery, his late brother, without issue male of his body, did, after the death of his said brother without issue male of his body, bring three several Writs of Error in the Court of King's Bench at Westminster, returnable in the term of St. Hilary in the third and fourth years of the reign of the late King James the Second, to reverse two common Recoveries suffered of the said Manors and Lands by the said Phillip, late Earl of Pembroke and Montgomery, in his lifetime at two Grand Sessions held for the said County of Glamorgan, the one of them on the 19th day of April in the 27th year of the reign of the late King Charles the Second, and the other of them on the 16th day of August then next following, and also to reverse one fine levied by the said late Earl Phillip of several of the said manors and lands at the said Grand Sessions held the said 19th day of April, [pending which said several Writs of Error great delays were made by the then Judges of the said Grand Sessions in returning the Records of the said fine and recoveries], which *said several Writs of Error*, after several rules and motions made in the said Court of King's Bench for the returning thereof, were at last in Trinity Term then next following the said term of St. Hilary, brought into the said Court of King's Bench, whereupon the said Earl, now Lord Privy Seal, assigned several Errors and alleged diminution in the original Writs, Warrants of Attorney, Writs of Summons in Ayde, Writs of Seizin and other matters, and obtained Writs of Certiorari to be directed from the said Court of King's Bench

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* L. J., XV. 191. *In extenso*. The alteration, which is not recorded, appears to have been in the first paragraph. (MS. Min.)

† The additions are shown by italics, the omissions by square brackets.

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to the then Judges of the said Court of the said Grand Sessions to certify the said Writs and Records; But [the late George, Lord Jefferys, Baron of Wem, being then Lord High Chancellor of England, having married his son John, now Lord Jefferys, to the Lady Charlotte Herbert, the sole daughter and heir of the said Phillip, late Earl of Pembroke, deceased, at the Grand Sessions held for the said County of Glamorgan on the 3rd day of October 1688, by the great and exorbitant power which he then assumed to himself, did influence and awe one of the then Judges of the said Grand Sessions, the other being then sick and suddenly after died, to make several amendments in the said Writs and Records, though both of the said Judges before that time had several times been moved and refused to make the said amendments, and in order thereunto did by his Counsel and Agents, which the said Lord Chancellor sent down to the said Grand Sessions for that purpose, obtain] *before any return could be obtained on the said Writs of Certiorari*, a Rule of Court *was made* at the said Grand Sessions there, being but [the said] one Judge then upon the Bench, for making several amendments in the said Records and Writs and new making [of some] *one* of the said Writs, although the said Judge then present was moved to forbear making any such Rule until the Court was full and both Judges there; By colour and pretence of which said Rule, *and by the illegal actings of the said Judge, a new Writ of Dedimus Potestatem was made and the Teste of the Original Writ of Covenant and Writ of Quod ei deforceat and the several returns of the same were altered* [several Writs and Records were new made and others amended], that no errors might appear in the said fines and recoveries when the said returns should be made on the said Writs of Certiorari into the said Court of King's Bench; after which [said new making of some of the said Writs and Records and amendments of others of them] the said Writs and Records, so amended and new made, were in Michaelmas Term in the first year of your Majesties' reign returned into your Majesties' Court of Kings [and Queen's] Bench by the *then* Judges of the said Grand Sessions who succeeded [Owen Win and Thomas Geeres, Serjeants-at-law], the Judges in whose time the said Amendments and alterations were made, where the said Writs of Error are still depending undetermined by reason of the nonages of [the said] John, Lord Jefferys and the Lady Charlotte his wife, *the sole daughter and heir of Phillip, late Earl of Pembroke;* by [which said undue] means [and practices] *whereof* the said Thomas, Earl of Pembroke is deprived of all the benefit and advantage which by law he ought to have had by the said Writs of Error, in reverting of the said fine and recoveries, the errors therein by the said Amendments and alterations being all rectified and taken away; And forasmuch as [many] *some* of the said Amendments and alterations, *that is to say, the alterations of the Testes and the returns of the said Writ of Covenant and the Writs of Quod ei deforceat, on which the said recoveries were suffered, being original Writs, and also the making anew the Writ of Dedimus Potestatem for the said late Earl Phillip's making Attorneys to appear for him, and inserting therein the name of Herbert Salladine, which was not in the former Dedimus pretended to be lost,* were illegal and not warranted by [the] law, but being made, and the said Writs and other proceedings returned as amended and new made, cannot now by any course of law in being be altered or by your said Majesties' Judges of your said Court of King's [and Queen's] Bench, who are to examine the said Errors, taken ever to have been in other manner than as they are now returned; May it therefore please your Most Excellent Majesties, at the humble suit of the said Thomas, Earl of Pembroke, That it may be enacted,

and be it enacted by, &c., That [all] the alterations and amendments [made in the said fine, recoveries, writs and other proceedings in the said Writs and other matters new made, and the returns thereof made into the said Court of King's Bench, and the said Writs of Errors, Certiorari and all proceedings thereupon] *of the Teste and returns of the said Writ of Covenant and Writs of Quod ei deforceat and the Writ of Dedimus potestatem so new made*, be and are hereby declared and adjudged null and void to all intents and purposes whatsover, And that Vacats be severally entered on the Rolls, Writs and proceedings of the said Courts of King's Bench and Grand Sessions for the vacating and annulling the same accordingly; And be it further enacted by the authority aforesaid, That the Cursitor shall make forth other like Writs of Error of the same Teste and Return with the former, directed to the Judges of the said Grand Sessions; and the Judges of the said Grand Sessions for the time being are hereby required and authorized to return upon the said Writs of Errors [the Records, Writs, Warrants of Attorney and other proceedings before them, without any regard had to the said Amendments and alterations so made as aforesaid, as by law they ought to return the same, that so] *the said Writ of Covenant and Dedimus potestatem for taking the acknowledgment of the said fine, the said Writs of Quod ei deforceat on which the said recoveries were suffered, as the same were tested and returned before the said amendments were made, and also the said Dedimus potestatem for making the said Earl Phillip's Attorneys, as the same is entered on the Record in the said Grand Sessions, without any regard had to the said amendments or Dedimus new made, and other the said Writs, Records and proceedings before them, with such alterations and amendments as have been duly made therein, that* the said Writs of Error, so new made and to be returned into your said Majesties' said Court of King's [and Queen's] Bench may be proceeded upon, heard and determined in the said Court according to due course of law.

Provided nevertheless and it is hereby further enacted, by the authority aforesaid, That the jointure of Henrietta, now Countess Dowager of Pembroke, now wife of Timoleon Gowfier, Marquis de Thois in the Kingdom of France, limited to her or to some other person or persons in trust for her by the said Phillip, late Earl of Pembroke, her husband, in his lifetime, of the said manors and lands comprised in the said fine and recoveries, shall be and is hereby confirmed, and shall stand and be of the same force and effect as if the said fine and recoveries had been duly levied and suffered by her said husband in his lifetime. [Read 1ª this day; Notice to be given to Trustees or Guardian of L. Jeffreys and Counsel ordered. (L. J., XV. 190.) On 17 Feb. Counsel on both sides were called in. *Sir William Thompson* and *Sir Thomas Powys* were heard for L. Jeffreys against the Bill, and *Sir William Williams* and *Sir Creswell Levinz* for E. Pembroke in favour of it. *Counsel* against the Bill heard in reply. *David Thomas*, [*Reyland*] *Hughes*, and *Marmaduke Gibbs* sworn and examined. Counsel withdrew. Judges heard. *Holt, C. J.:* The question is concerning the legality of these Amendments. We desire to hear Counsel upon the points in law. *Ordered* that the Judges give their Opinions on the 21st inst. (MS. Min.).—On 21 Feb., the Order for hearing the Judges' Opinions being read, the *L. Privy Seal* moved that witnesses may be called in and examined on behalf of L. Jeffreys. *David Thomas* sworn, and being asked by L. Jeffrey's Counsel at the Bar if he knew of any *Dedimus Potestatem*, said: "I do know there was a *Dedimus* sued out for a fine." Q. Was there a *Dedimus* to the Recovery? A. I verily believe there was one. I know not what became of it. I

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verily believe it was returned. It was arraigned in Court. Q. Was Herbert Salladine a Commissioner? A. I believe he was. I filled up the names. I filled up that of the fine. *Philpott* sworn. In 1683 E. Pembroke sent for the copy of a Recovery. He found out a fine and one Recovery, and there was a rasure for the *Dedimus* of the Recovery. I saw none. Herbert Salladine he saw in a rasure in the *Dedimus* for the fine, but not for the Recovery. He would have imposed the *Dedimus* for the fine upon me for the Recovery. I said I never saw the *Dedimus* for the Recovery. Anthony Guime said if I would say I saw the *Dedimus* for the Recovery, I should have 100 guineas. *William Thomas* sworn, and asked what has been told him of this? As to the reading of the *Dedimus* to him of the fine, for the *Dedimus* for the Recovery he spoke to me of it. *Reyland Hughes* sworn. I was surrogator of the fines. The Recovery was delivered to me, to enter on the Roll. I cannot say I saw the name of Herbert Salladine in the *Dedimus* for the Recovery. They withdraw. The Judges heard as follows. *Holt, C. J.:* Several errors are complained of, and are amended. The question is, whether they are amended according to law. It appears the Writ of Covenant bore date 27 Car. II. The *Dedimus* must [be] 26. If continued so, it had made a great error in the fine, and must have been reversed. I am of opinion this was not amendable. It is matter of substance, and by the Common law cannot be amended. There are two Statutes which allow amendments, that is, mistakes of the Clerk, but matter of substance or ignorance or default is not amendable. Gage's Case is reported to have been amended, because it was an amicable amendment. As to the other amendments, as names of towns, &c., they may be amended. *Treby, C. J.:* There are to be but two points. I am of the same opinion. The *L. C. Baron* not with the Judges, and gave no opinion. *Dolben, J.:* I am of the same opinion. *Nevill, J.:* I doubt in this case, and am of a different opinion. *Gregory, J.*, *Rokeby, J.*, *Eyres, J.*, and *Powell, B.* of the same opinion as the Chief Justices. *Judges* asked if there was any remedy but by an Act? *Holt, C. J.:* The fine being amended, there is no remedy but by Act of Parliament. Q. Suppose a purchaser had bought under this fine, [whether] it had not been a good purchase? *Holt, C. J.:* No question but all is safe, and the purchaser will be so and others, until the Legislature intercedes. The Bill was then read 2ª and committed to C. W. H. tomorrow. Petition of Serjeant Geers* read, and Counsel for Petitioner ordered to be heard before the Bill is reported. (MS. Min.; L. J., XV. 241-2.)

In C. W. H. on 22 Feb., *E. Bridgewater* in the Chair, the Bill was read through. Title and Preamble read and postponed. 1st Enacting Clause read. Judges to draw a Clause with the two Errors in it to be amended and set aside. The other Clauses in the Bill read. Judges to draw a Clause to be added to the last Clause in the Bill, as the *L. Privy Seal* offered. Preamble read, and after some amendments made in it, progress reported as in L. J., XV. 244. (MS. Min.). Later on in the day, the House went into Committee again on the Bill, *E. Bridgewater* in the Chair. The Amendments as made by the House and Judges were read and agreed to, and the Committee went through the Bill. House resumed. *Serjeant Geers* was called in and told he was at liberty to say what he pleased, not only in his own behalf, but also against the Bill. He said: As to the *Dedimus*, if it appears there was a *Dedimus*, though lost, there may be a supply. As

* Annex (*a*).

to the *Teste* of the Writ of Covenant which [is] amended, I had the concurrence of my brother Judge. As to delays, which is the first complaint, he was told the Bill was altered. In Hilary Term 1687 we were allowed Writs of Error, and we made a rule that at the next Great Sessions the Writs should be returned. The King's Bench called for the Writ of Error. I have my Brother's letter to me in this case. *Mr. Marmaduke Guime* (sworn), says he believes that to be Mr. Owen Wynn's letter read by the Clerk at the Bar. By the letter it appeared he had his Brother's consent. They withdrew. The Bill was then reported with the amendments, which were agreed to, and the Bill ordered to be engrossed. (MS. Min.; L. J., XV. 244.)—On 24 Feb. a Rider, offered by E. Pembroke, was added, on third reading,* and the Bill was sent to the Commons (MS. Min.; L. J., XV. 247), where, after hearing Counsel for E. Pembroke and L. Jeffreys and Lady Charlotte, his wife, a motion to commit the Bill was negatived on 6 March by 107 to 81, and a third reading refused without a division. (C. J., X. 844.)]

Annexed:—

(*a.*) 21 Feb. Petition of Thomas Geers, Serjeant-at-Law. Counsel for the Earl, in drawing the Bill, have made several undue reflections on Petitioner, who was then one of the Judges of the Great Sessions for Glamorganshire, with Owen Wynn, Serjeant-at-law. Petitioner proceeded in the matter before him with great integrity and impartial justice. Prays to be heard at the Bar touching the aspersions upon him. L. J., XV. 241.

(*b.*) 24 Feb. Petition of John, Lord Jeffreys and the Lady Charlotte, his wife. The Petitioner Lady Charlotte is sole daughter and heir of Philip, late Earl of Pembroke, and is legally entitled to several manors and lands in the counties of Glamorgan and Monmouth, and has no other provision made for her by her father than the inheritance of those lands, in satisfaction of 10,000*l.* portion received with her mother, now Countess Dowager of Pembroke. The said lands are charged with the jointure of the Countess and several debts of the Earl, amounting to 27,000*l.*, so that Petitioners have as yet received no benefit by the estate. Lady Charlotte's father, in pursuance of articles of marriage, suffered a fine and recovery of the premises, with design to vest the estate in Petitioners, and declared the uses thereof accordingly. In the fine and recovery there were some mistakes of the clerks which it was impossible for the Earl Philip to prevent, but which have since been amended in due course of law. Petitioners have many witnesses to prove that no indirect or undue practice was used in obtaining the amendments. Petitioner's Counsel had only been heard as to the illegality of the amendments, but not to the equity of the Bill, or of the new amendments made therein. Petitioners are both of them minors, and by some doubtful words of the Bill, the Privilege always allowed by law to infants under age may be taken away or brought into dispute. The Bill tends to the disherison of Petitioners and seriously affects all settlements. Pray to be heard by Counsel against the Bill. *Endorsed* as read this day before the reading of the Bill, but nothing done on

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* An expunged entry in MS. Min. of 23 Feb. states that a Petition of L. Jeffreys (Annex (*b*) below) was read that day, and is followed by another expunged entry of the third reading of the Bill.

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it. MS. Min. No entry in L. J. as to reading of this petition on 23 Feb. See footnote to notes above.

(*c.*) Copy of the Bill with some of the amendments marked thereon.

668. Jan. 20. Ditcher *v.* Finch.—Petition and Appeal of Nicholas Ditcher and Elizabeth, his wife, Lewis Newnham, Esq., eldest son and heir, and John Newnham, second son and Executor, of John Newnham, deceased. John Finch died in 1685 seized in fee of a messuage and farm called Hamer Lands, in Sussex, leaving the Appellant Elizabeth his only child and heir-at-law, who soon after married the Appellant Ditcher. Respondent, by his guardian, then claimed the premises under a pretended Will of Elizabeth's father, but the Will was disallowed in the Spiritual Court. Thereupon, John Newnham, the father, purchased the premises of Ditcher and his wife, together with the assignment of a mortgage to one Dr. Budgin in the name of William Prior, but before he had completed the purchase, Respondent brought a Bill in Chancery against Ditcher and his wife and John Cooper, deceased, claiming under the supposed Will, which he suggested was in Elizabeth's custody after her father's death, and the Court, upon a very slight and improbable hearsay testimony, decreed him the premises without any trial by jury whether a Will or no Will. .Respondent afterwards, in June 1687, brought a Bill against Ditcher and his wife, and John Newnham, the father, and Prior, his Trustee, and others, to have the mortgage assigned, and, though Newnham proved that John Finch, deceased, had cancelled his will in his lifetime, the Court decreed him a redemption of the mortgage. Ditcher and his wife are thus stripped by the first Decree of 8 June 2 Jac. II. of their freehold and Elizabeth's inheritance, and the Appellants, the Newnhams, are defeated by the second Decree, of 6 Feb. 2 W. & M., of their father's purchase, without a trial at law. Pray that the Decrees may be reversed. *Signed* by Appellants; *Countersigned* by Ambr. Phillipps. L. J., XV. 192. [The Cause was first heard on 20 Feb. *Sir Ambrose Phillipps* and *Sir William Thompson* were heard for Appellants, and *Serjeant Darnell* and *Sir Thomas Powys* for Respondent. Counsel withdrew and Speaker reported. After debate it was referred to a trial at law whether the Will in question was revoked or not. (MS. Min.; L. J., XV. 240.) The Cause was again heard, after the trial at law, on 4 Jan. 1693–4. *Mr. Conyers* (for Appellants) opens the Cause, and moves for a new trial. *Nath. Newnham* (sworn) says the land is devised to him. *David Maynard* (sworn): I heard some of the Jurymen say, as far as they had heard, the land belonged to Finch. We are ready to pay costs to go to a trial. *Serjeant Darnell* (for Respondent): This has cost us more than the estate is worth. *Sir Thomas Powys* (for Respondent): Mr. Fane said the L. Chief Justice told him, if he had been on the Jury he would have given the same verdict. Counsel withdrew and Speaker reported. Appeal dismissed with 20*l.* costs. (MS. Min.; L. J., XV. 334.)]

Annexed:—

(*a.*) 7 Feb. 1692–3. Answer of John Finch. Elizabeth's father, having all along a great kindness for Respondent, his near kinsman, and Elizabeth being infirm in body and understanding, caused Respondent to live with him, and by his Will, in Oct. 1684, devised the lands in question to him and his heirs male, on his reaching the age of 24, with divers remainders over, and left his other lands, called Little Gibbs of Ven in Sussex, and his personal estate of 500*l.* to Elizabeth, and the rents and profits of

the lands in question till Respondent reached the age of 24, he devised to Wm. Cunber, Benjamin Page and Wm. Head, his Executors. The Will was drawn by one James Fowkes, and shown to several persons after his death, but was afterwards destroyed or concealed, and Elizabeth, by the means of one Cooper, who was aiding to its suppression, married the Appellant Ditcher, who, knowing the weakness of his title, contrived to sell the lands to Newnham, the other Appellants' father. Appellants in their answer to Respondents Bill in 1685 admitted a Will, but declared the Testator had afterwards destroyed it. Respondent brought his second Bill after discovering the mortgage on the premises, and that Newnham the father was contriving with Ditcher and his wife to take it in, and purchase the lands. As to the proceedings in the Ecclesiastical Court, they were taken by another John Finch, a remainder-man, and not Respondent, who desisted therein, being informed that the Court had not the coguizance of Wills relating to lands in fee. Prays to be dismissed with costs. *Signed* by Respondent; *Countersigned* by Will. Hancock. *Endorsed* as brought in this day.

(*b.*) 9 Feb. Petition of the Appellants. Respondent has not brought in his Answer till this week, endeavouring to delay the Appeal till this Session is ended. Pray for an early day for hearing. *Signed* by Nich. Ditcher and Lewis Newnham. L. J., XV. 221.

(*c.*) 23 Feb. Petition of John Finch. Their Lordships have ordered a trial at law in Middlesex as to the validity of the Will. It will be a great charge to Respondent, who prosecuted his suit in Chancery *in formâ pauperis*, to bring his witnesses, who live in and near East Grinstead, up to London. Prays that the Issue may be tried at the next Assizes for Sussex, and settled by L. C. Justice Treby, who goes that Circuit, and that the depositions of such Witnesses as are dead, which were read in Chancery, may be admitted as evidence upon the trial. *Endorsed:* Consent to alter the Order of 20th inst. [The MS. Min. of this day have an entry (not in L. J.) that the order of 20 Feb. was altered, by consent, as prayed.]

(*c*[1].) Consent of Lewis Newnham to the trial being had in Sussex at the next Summer Assizes. *Dated* 23 Feb. 1692–3. *Addressed* to Mr. James Allen. [Appended to preceding.]

(*d.*) 17 Nov. 1693. Petition of John Finch. Pursuant to their Lordships' Order annexed, a trial has been had at the Sussex Assizes in a feigned Issue before L. C. Justice Treby, and a verdict found that the Will in question was not revoked. Prays their Lordships to resume the debate of the Cause and appoint a day for the rehearing. L. J., XV. 300.

(*d*[1].) Copy Order of the House of 20 Feb. 1692–3. L. J., XV. 240. *In extenso.* [Appended to preceding.]

(*e.*) 28 Nov. 1693. Petition of John Finch. Their Lordships having ordered the Appellants to put in their Answers to Respondents' Petition of the 17th inst., Respondent has left copies of the Order at their dwelling-houses with their respective wives, having been unable to serve them personally. Prays that a further day may be appointed for the Appellants to answer, and that leaving a copy of the Order with the Clerk in Chancery who acts for them may be deemed good service. L. J., XV. 308.

(*f.*) 4 Dec. 1693. Answer of Appellants to Respondents' Petition of 17. Nov. The original panel of the jury for the trial at the

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Assizes was altered, as Appellants were informed by the Under-Sheriff, and a new one made, containing some who were neighbours and acquaintances of Respondent. Full proof was given that the Testator himself had cancelled and burnt his Will. Appellants had not sufficient notice of the new panel to enable them to take exception by challenge. Pray their Lordships to order a new trial. *Signed* by Appellants, except Elizabeth Ditcher. *Endorsed* as brought in this day.

(g.) 5 Dec. 1693. Petition of John Finch. Prays for an early day for hearing, the Appellants having answered. L. J., XV. 314.

(g^1.) Copy Order of the House of 28 Nov. 1693. L. J., XV. 308. *In extenso.* [Appended to preceding.]

669. Jan. 23. Gardner *v.* Royal African Company.—Petition and Appeal of John Gardner, Merchant, and Dame Letitia Bawdon, Widow and Executrix of Sir John Bawdon, deceased. The Appellant Gardner and the Testator Sir John Bawdon, being interested in several Plantations in the West Indies, sent several ships to the coast of Africa to trade there and take in the necessary negroes. The Company's Agents there, pretending that the Company had the sole trade, seized their ships and goods, and refused to let them trade for negroes, unless they paid 30 and 40 per cent. for permission money, and took a licence from the Company to trade in Africa, to be granted only on condition that they should take the Company's goods here at such rates as should be imposed. Gardner and Sir John were forced to submit, and accordingly in June 1688 took a cargo of goods from the Company to trade with to Africa for negroes in the ship *John*, for which the Company demanded 425*l.* permission money, and obliged them to enter into a bond with sureties of 3,000*l.* for payment of 1,504*l.* 6*s.* 7*d.*, including the permission money. The Company, better to colour their designs, take Charter-parties from the persons to whom they give licence, and insert what facts they think fit, and have also exacted other sums for permission to trade. Sir John having died, Appellants brought a Bill in the Exchequer for a discovery and account of the ships and goods seized, and particularly of the ship whereof George Nanter was master, and for relief against the bond and an account of the permission money; but the Court on 7 May 1692 allowed the plea of the Statute of Limitations as to the seizure, although the matters in demand were transacted beyond seas, and were matters of account between merchants, and as to the rest, on 24 Nov. 1692, refused to interfere with the permission money, and decreed Appellants to account for the whole sum. Appeal from the said Orders and Decree. *Signed* by Appellants; *Countersigned* by Wi. Williams and Sam. Dodd. L. J., XV. 195. [The Cause was heard on 15 Feb. The Appellant, *Mr. Gardner*, heard in person. *The Solicitor-General* (for Respondents) is heard. *Mr. Ward* (for Respondents): There is nothing in the Appeal, and we hope to have costs. I would have Mr. Gardner speak one word why he should not pay the money. He consented to everything himself. *Mr. Gardner* heard in reply, and reads. *The Solicitor-General* heard also. *Mr. Ward:* The Company is at 15 per cent. charge, and they delay us. *Mr. Gardner* is asked whether he appears for the Lady Bawdon, and he says, Yes, and that she and he are partners, and [she] will be concluded by him. Mr. Gardner and Counsel withdrew, and Speaker reported. Decree affirmed. (MS. Min.; L. J., XV. 231.)]

Annexed:—

(a.) 1 Feb. Answer of the Royal African Company of England. In 1688 the Company made an agreement with Gardner

and Sir John Bawdon touching the ship *John*, of London, whereof William Portlock was Master, for a trading voyage to Africa, and an account was adjusted, before the ship left Gravesend, concerning the cargo bought of the Company, amounting to 1,504*l.* 16*s.* 7*d.*, for payment whereof in 18 months Gardner, Sir John and Portlock gave a bond of 3,008*l.* 13*s.* 0*d.* Only 500*l.* has since been paid, and that not before August 1690. Sir John having died, and Appellants refusing to pay the rest, Respondents sued Gardner upon the bond, and obtained judgment. Appellants then brought their Bill in the Exchequer. The Court, after allowing Respondents' plea of the Statute of Limitations with regard to the ship whereof Nanter was master, proceeded to hear the Cause on 13 June, and referred it to the Deputy Remembrancer to certify what was due upon the bond, and to take a distinct account of the elephants' teeth and gold laden on the ship *Swan*. The Report, being heard, was ordered to be reviewed by allowing Appellants their share in some gold, which was the produce of part of the windward cargo of the *Swan* outwards, and saving Respondents harmless against the other owners and partners of the ship in that respect. The Deputy Remembrancer accordingly certified 777*l.* 6*s.* 6*d.* due to Respondents, and the Court on 24 Nov. confirmed his Report and ordered payment. The Orders and Decree are just and equitable. Pray that the Appeal may be dismissed with costs. *Sealed* with the Company's seal. *Endorsed* as brought in this day.

670. Jan. 23. Kelynge *v.* Sandy.—Petition and Appeal of Charles Kelynge, Gent. Appellant, having served 7 years as a Clerk under one of the Six Clerks in Chancery, and thereby qualified himself for a seat as Sworn Clerk, made an agreement in May 1691 with John Rayner, a Sworn Clerk in the division of Shem Bridges, one of the Six Clerks, whereby Rayner undertook, on payment of 200*l.* and 20 guineas, to resign and procure the place for him. Respondent, having notice of this, told Appellant that he and Rayner were bound in two bonds for payment of 50*l.* each to one Sparrow and one Shalmer, of which Rayner's share was 42*l.*, and desired Appellant to help him to the said money, and Rayner, being informed of this, agreed that Appellant should pay the 42*l.* to Matthew Hall, another Clerk in the office. On Rayner coming to an account with Bridges as to office fees, it appeared that Rayner owed more than the purchase money amounted to, and Bridges refused to admit Appellant unless all the purchase money were paid him, whereupon Rayner, by a note acknowledging the receipt of 100*l.* from Appellant, directed him to pay the balance to Bridges, and acquitted him, on payment, of all demands. Appellant informed Respondent of this countermand and also of the time appointed for his being sworn, but Respondent did not attend to object, and Appellant on 13 June was accordingly sworn in and admitted, and paid the balance to Bridges, who thereupon cancelled the agreement and note. Respondent then brought a Bill in Chancery against Appellant, Hall, Rayner, Sparrow and Shalmer, suggesting that Appellant was in the nature of a trustee for him as to the 42*l.*, and ought not to have paid all the money to Rayner and Bridges. The Lords Commissioners on 14 June declared that Appellant, by consenting to the cancelling of the agreement, had disabled Respondent from having any benefit of it, and thereby committed a breach of trust, and ordered him to pay 41*l.* 10*s.* 0*d.* to Hall, to be disposed of according to the agreement, together with interest and 5*l.* in lieu of costs, adding that whatever Appellant paid, should be repaid him by

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Bridges. Prays that this Order may be reversed. *Signed* by Appellant *Countersigned* by Wm. Whitelocke and Tho. Lynge. L. J., XV. 195. [The Cause was heard on 21 Feb. *Sir Francis Winnington* and *Sir Thomas Powys* were heard for Appellant. *Mr. Ward* (for Respondent): He comes here against his own express consent and a common equitable case. Counsel withdrew and Speaker reported. Decree affirmed. (MS. Min.; L. J., XV. 241.)]

Annexed:—

(*a.*) 2 Feb. Answer of Roger Sandy. Rayner agreed that his seat should stand charged with the 42*l.*, and desired Respondent to find a purchaser, whereupon Respondent acquainted Appellant, who promised not to treat with Rayner till the debt was secured out of the purchase money. The Agreement of May 1691, which was drawn by Respondent, and approved by the parties, stipulated that Appellant should pay to Hall out of the 221*l.* 10*s.* purchase money, 41*l.* 10*s.* for the use of Sparrow and Shalmer. A question arising whether Appellant or Hall would be safe in applying the 41*l.* 10*s.* according to the Articles, after the same were delivered up and cancelled, it was agreed and endorsed on the part of the Articles executed by Rayner, that after his surrender of the seat, Appellant should still retain that part of the Articles in his custody and not deliver it up. Respondent knows of no Articles between Rayner and Appellant whereby all the purchase money was to be paid to Rayner or his order, nor of any Articles other than those mentioned. It was at Appellant's own request that Respondent did not oppose his being sworn. Appellant's alleged debt to Bridges is put forward to give colour to the fraud, for Appellant, though entrusted by Respondent with the custody of the Articles, gave them to Bridges to destroy, with a view of preventing the other demands. Denies that Appellant ever told him that Rayner had directed him to pay any of the purchase money to Bridges or otherwise than according to the Articles, till after Appellant was sworn, or that he ever gave him notice to oppose his being sworn. Prays that the Appeal may be dismissed with costs as vexatious *Signed* by Respondent. *Countersigned* P. Crawford. *Endorsed* as brought in this day.

671. Jan. 24. Bishop of Bangor's Act.—Draft of an Act to enable Humphrey Lord Bishop of Bangor to make a lease of Bangor House with the appurtenances in the parish of St. Andrews, Holborn, London, for a competent term of years, in order to the new building and improving the Rent thereof for the benefit of his successors. No amendment in either House. [Read 1ª this day; Royal Assent 28 Feb. (L. J., XV. 198, 289). 4–5 W. and M. c. 32 in Long Calendar. Com. Book, 27 Jan.*]

672. Jan. 24. Sir S. Husbands *v.* Bigg.—Petition and Appeal of Sir Samuel Husbands, Knt. Respondent on 7 Nov. 1685 agreed with Appellant, the owner of a brickfield at Shalford, in Essex, to make and burn 500,000 bricks every year for three summers then ensuing, if the season should permit, at the following rates for every 100,000, viz., for digging and casting earth 5*l.*; for moulding 12*l.* 10*s.* 0*d.*, and for setting and burning 7*l.* 10*s.* 0*d.*, being in the whole 25*l.* for finishing

* An entry in MS. Min. of 27 Jan. has: "Committee on Bangor House to sit this afternoon," The Bill had been referred on the 26th to the Committee on the Petworth Bill (L. J., XV, 202), which reported earlier this day (*Ib.* 204).

and burning. Appellant covenanted to find all tools and materials, and to enclose and fence the earth, and to pay Respondent at the above rates when enough earth was dug to make 50,000 bricks, and so for every 50,000 as the said works of casting, moulding and burning should be done, and paid 5*l.* upon the first entrance upon the work. At Respondent's request, this agreement was cancelled and a new one made, whereby Appellant was to pay 8*s.* per 1,000 bricks for making and burning, allowing 1*s.* per 1,000 for the earth, Respondent finding all materials, and if Appellant should advance or lay out money towards finding materials, Respondent was to deduct the same out of the 8*s.* per 1,000. Appellant accordingly paid to Respondent and disbursed by his direction several sums towards the work and materials, but being informed that Respondent's workmen did not do their work well, he stayed his hand from paying all that was demanded, and in Dec. 1687 came to an account with Respondent, under the second agreement, and on the latter affirming that he had made and burnt 400,000 bricks (most of which then stood in clamps untold), and that they were good and merchantable, agreed to pay him 25*l.* 19*s.* 0*d.*, and paid him 10*l.* on account. Appellant, finding afterwards that the bricks were brittle and useless, owing to the carelessness of the workmen, and that there were at least 60,000 short of the 400,000 claimed, refused to pay the 15*l.* 19*s.* 0*d.* balance. Respondent then brought a Bill in Chancery, suggesting that he had carried on the work under the first agreement, but taking no notice of the second one, and stating that, although enough brick earth had been dug to make the 500,000 bricks, he had been prevented from making more than 360,000 and burning more than 340,000, by the want of the materials, which Appellant had undertaken to supply, whereby his workmen had been kept idle for at least 60 days. The Court decreed that the second agreement should be set aside, and the Master, who was ordered to take an account, reported 85*l.* due to Respondent for making and burning 240,000 bricks, and 3*l.* 10*s.* 0*d.* for digging and moulding 20,000 more that were not burnt, and for digging up earth for 140,000 more, and also 36*l.* for the pretence of the men's lying idle, and 5*l.* 10*s.* 0*d.* more gain that Respondent might have had, if he had had sufficient materials for the whole 500,000, thus making Appellant a debtor in the sum of 154*l.* 6*s.* 0*d.*, not including 148*l.* and upwards paid for materials. Prays that the Decree may be reversed, the matter being one purely of damages and only to be ascertained by a jury. *Signed* by Appellant; *Countersigned* by Will. Killingworld and R. Thornhill. L. J., XV. 198. [The Cause was heard on 23 Feb., the *Solicitor-General* and *Mr. Ward* being heard for Appellant, and *Sir Thomas Powys* and *Mr. Filmer* for Respondent. Decree affirmed with 40*l.* costs. (MS. Min.; L. J., XV. 245.)]

Annexed:—

(*a.*) 3 Feb. Answer of William Bigg. The second agreement was obtained by fraud, in order to elude the first one. Prays that the Appeal, which is vexatious, may be dismissed with exemplary costs. *Signed* by Respondent; *Countersigned* Tho. Filmer, whose signature is copied. *Endorsed* as brought in this day.

673. Jan. 24. Marston *v.* Marston.—Petition and Appeal of William Marston. Appellant's youngest brother, the Respondent Joseph, brought a Bill in the Exchequer against him in 1691 for a legacy of 12*l.* a year for life and another of 230*l.*, which he alleged had been charged by their father Joseph on his lands in Marston Moretaine,

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which he left to Appellant, his eldest son. Appellant brought a Cross-Bill against Joseph Marston and William Bristow, insisting that his father was only seized of the premises in right of his wife and could not charge them with the legacies, and claiming to enjoy them as his mother's eldest son and heir. The Respondent Joseph, in his answer to the Cross-Bill, alleged that his parents in 1677 levied a fine to Bristow to the use of the father and his heirs, with a power of revocation to the survivor, and that the father survived and by his will gave Joseph the said legacies and all his estate in Ayott St. Lawrence; that he proved the will and possessed himself of all his father's estate, but never had the custody of the deed of uses. Bristow answered that Joseph and one Mr. Sykes told him in 1686 or 1687 that he was a Trustee, and that the deed was cancelled, and offered to deliver it to him, but he refused to take it unless it were sealed again, and did not have it until it was defaced and endorsed. The Court on 22 June 1692, on hearing the original Cause, ordered Appellant to pay Joseph the legacies, with arrears and interest, reported by the Deputy Remembrancer to amount to 258*l.* 16*s.* 0*d.*, which report was confirmed on 7 Nov., when the Court decreed that, on default of payment, Joseph should have possession until the sum decreed was paid, and afterwards hold so much of the estate as should satisfy the legacy of 12*l.* a year. The Cross-Bill was dismissed the same day. This Decree is erroneous, because (1) it is not stated where the lands are, which are intended to be charged; (2) the Original and Cross-Bills should have been heard together, in which case it would have appeared that the lands were the inheritance of the mother, and that the deed is cancelled; (3) it was not proved that the lands were the inheritance of the father; (4) the Decree upon the Report charges the premises with the legacies, which is not prayed in Joseph's bill nor so decreed upon the hearing; (5) if the legacy ought to be paid, Appellant by the will has an election to pay the 230*l.* either to Joseph or his heir male, and Joseph has a plain remedy for the lands at law, where the validity of the deed would properly be tried, which is the great question in the case; (6) the 230*l.* are decreed with interest, to which he is not entitled by the Will; (7) there are several other legacies charged by the Will upon the premises, as Joseph has confessed, and the premises are worth only 25*l.* a year, or less than Joseph's legacy alone amounts to. Prays that the Decree and dismission may be reversed, and Respondents ordered to answer. *Signed* by Appellant; *Countersigned* by John Charlett and John Smith. L. J., XV. 198. [The Cause was heard on 25 Feb., the *Solicitor-General* and *Sir Thomas Powys* being heard for Appellant, and *Mr. Ward* and *Mr. Dodd* for Respondent. Decrees affirmed with 20*l.* costs. (MS. Min.; L. J., XV. 249.)]

Annexed:—

(*a.*) 6 Feb. Petition of Joseph Marston for further time to answer. L. J., XV. 217.

(*b.*) 10 Feb. Answer of Joseph Marston. The legacies to Respondent were all the provision made for him by his father's Will. The estate is of great yearly value. The first decree was made on 30 May 1692. Prays that the Appeal may be dismissed with full costs, as vexatious. *Signed* by Respondent. *Endorsed* as brought in this day.

(*c.*) 10 Feb. Answer of William Bristowe. Respondent has in his custody the deed of 4 March 1677, endorsed, which, as trustee, he offered to dispose as the Court should direct, and which he is ready to produce. The Deed relates to a messuage and lands in Marston Moretaine and Littleington, co. Bedford. Prays to have

his costs for this unreasonable trouble. *Signed* by Respondent. *Endorsed* as brought in this day.

(*d.*) 14 Feb. Petition of Appellant for an early day for hearing, and for leave to Mr. Robert Meade to enter into security on his behalf, as Appellant lives at some distance from London. L. J., XV. 228.

674. Jan. 25. Writ of Summons (E. Lincoln).—Writ of Summons to Francis, Earl of Lincoln. *Dated* 18 Jan. [Delivered and read this day (L. J., XV. 200, *in extenso*), and Standing Order read, that those Lords who come to take the Oaths ought to attend at the first sitting of the House. The Earl having withdrawn, it was referred to the Committee for Privileges to inspect the Patent and Pedigree, and the Earl was ordered not to take the Oaths till their Report. (L. J., *ib.*) In Committee for Privileges on 26 Jan., E. Rochester in the Chair, *the Heralds* being called in, and asked if they had brought E. Lincoln's pedigree, said: We find 14 Eliz. created E. Lincoln. 1634 a Visitation taken. We find Edward, Lord Clinton had issue. Francis Clinton, son of Sir Edward Clinton, he was of Sturton. This Francis Clinton is the father of this man. There were no children in 1634. *Ordered*, that the Heralds draw an abstract of this gentleman's pedigree. *Ordered* to report the Pedigree. (Priv. Book.) On Report from the Committee on 27 Jan. that the Pedigree was clear (L. J., XV. 203, *in extenso*), the Earl was called in and took the Oaths. (L. J., *ib.*)]

Annexed:—

(*a.*) 27 Jan. Pedigree of Francis, Earl of Lincoln. [Reported this day from the Committee for Privileges. L. J., XV. 203, *in extenso.*]

(a^1.) 27 Jan. Table of Pedigree. [Appended to preceding.]

675. Jan. 26. E. Sussex's Estate Bill.—Draft of an Act to enable the Right Honourable Thomas, Earl of Sussex, to sell part of his manors, lands, tenements and hereditaments of inheritance, and to settle other part thereof upon the Right Honourable the Countess Anne, his wife, for her jointure. Whereas Thomas, E. Sussex in his minority agreed, in consideration of 20,000*l.* promised him by Charles II. as portion of the Lady Anne, his wife, to settle his estates in Sussex and Kent upon her for life for her jointure, and upon his issue male by her, and in default of such issue, for raising portions for their daughters; and in regard part of those estates was then in jointure to his mother, the late Countess of Sheppey, and his grandmother, Dorothy, Lady Dacre, yet living, his other estates of inheritance in the counties of Cumberland, Westmoreland, Cambridge and Lincoln were agreed by him to be settled by way of supplement until the said jointures should determine; and Whereas no part of the 20,000*l.* has been paid, nor is likely to be paid, to him, but, nevertheless, some doubt is made whether he can dispose of, or charge the premises without being subject to the agreement, whereby he is disabled to raise money for the discharge of his debts, amounting to about 20,000*l.*, partly contracted by his late father Francis, Lord Dacre, and partly occasioned by the great expense he has been put to by his marriage with the said Lady Anne; the Bill therefore, on the Earl's Petition, enacts that the manors of Hurstmonceux, Old Court, Gothams, Buckholt and Ingrams, and all other his estates of inheritance in Sussex, shall from 2 Jan. 1692 be vested in him in fee simple, freed of the said agreement; And that the manors or lordships of Chepsted, Chevening and Brasted, parcel of the premises in Kent wherein Dorothy, Lady Dacre has a life estate for her jointure, be likewise vested in him

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in fee simple; And that the manors or lordships of Cudham and Appersfeild *alias* Appulderfeild, in Kent, and the castles and manors of Dacre and Kirkeoswold, and the manors or lordships of Blackall, Sowelby, Staffall, Mosedale, Lassenby *alias* Lazenby, Glassonby, Brackenthwaite and New Biggin in Gillesland, in the county of Cumberland, and also the manors or lordships of Barton, Mertendale and Paterdale, in the county of Westmoreland, and all other the Earl's estates of inheritance in the counties of Kent, Cumberland or Westmoreland, amounting in the whole to 1,200*l.* a year, shall be freed from the agreement and from 2 Jan. 1692 vested in him for life, without impeachment of waste, and after his death, in Lady Anne for her jointure, in lieu and bar of her dower, and after her death, in the Right Hon. George, Lord Viscount Grandison, Sir John Baber, Knt., William Campion, of Cumwell, co. Kent, Esq., and John Nicoll, of the Inner Temple, London, Esq., for 200 years, without impeachment of waste, upon trust to raise 10,000*l.*, by sale or mortgage, for the portions of Lady Barbara and Lady Anne (at present the only children of the Earl and Countess) and of any other daughters and younger sons of theirs, in such proportions as the Earl shall appoint, and failing such appointment, to be paid to such daughters and sons share and share alike, such shares to be paid to the sons at the age of 21, and to the daughters at the age of 21 or at marriage; and upon further trust to pay them, after their parents' death, such yearly maintenance as shall seem meet, not exceeding 5 per cent. interest of their respective shares; and after the said term of 200 years the premises shall be vested in the Earl, his heirs and assigns of an estate of inheritance, in fee simple. If any of the children die before their shares become payable, such shares shall go to the survivors equally; and if all of them shall die before any of the shares become payable, their portions shall cease and not be raised for the benefit of those who are next in reversion or remainder. No sale or mortgage shall be made until some or one of the portions shall become payable. When the portions and maintenance shall be paid, or in case all the children shall die before any of their portions shall become payable, the said term of 200 years shall cease and be void. If the Earl shall give or leave to any of his children any money or lands for their advancement, the same shall be accounted as part of their shares, unless the Earl shall declare the contrary in writing. The Bill concludes with the usual Saving Clause. [Read 1ª this day; Parties to have notice, and Bill to be read 2ª on 16 Feb. (L. J., XV. 201.) No further proceedings.]

676. Jan. 27. Petworth (North Chappell, &c.) Act.—Consent of parishioners of Petworth, in Vestry assembled, to the passing of the Bill "for dividing the Chapelries of North Chappell and Dungton from the parish of Petworth, and erecting them into new parishes; and for settling the Advowsons and rights of Patronage of the Rectories of Petworth, North Chappell, Dungton, Clewer, Farnham Royall, Worplesdon, Kirby Overblowes, and Catton, and the Vicarage of Long Horsley," so far as the Bill relates to the proposed new parish of Dungton. *Signed* by John Cook, Will. Peachey, Henry Barnard, John Dee, Hen. Bulstrode, Francis Mose, Humph. Tewkes, Rich. Stills, Francis Mose, junr., Walter Elphicke, Tho. Moody, Jonathan Harris, Thomas Coward, Jeffery Dawtrey, Richard Taylor, Richard Browne, George Finch, William Kelmes (by his mark), Thomas Smart, Peter Valler, James Dawtrey, James Smart, Thomas Hughes, Henry Damer, and John Atkinson. *Dated* 6 Nov. 1692. *Endorsed* Duke of Somerset. [Read in Committee this day. (Com. Book.) The Bill was brought

from the Commons and read 1ª on 24 Jan.; Royal Assent 14 March. (L. J., XV. 198, 289.) 4–5 W. & M. c. 22. in Long Calendar.]

Annexed:—

(*a*.) 27 Jan. Consent of parishioners of North Chappell, so far as regards the proposed new parish of North Chappell. *Signed* by Humph. Tewkes, Richard Stent, James Collens, William Brockhurst, William Roadaway (by his mark), Jonas Chitty, John Bridger, Anthony Boxall, and Henry Streate (both by their marks), John Sadler, John Brockhurst, Thomas North, John Baker, Mathew Tayler, Edward Brockhurst, and Richard Baker. *Undated.* [Read in Committee this day. (Com. Book.)]

(*b*.) 27 Jan. Consent of Provost and Fellows of Eton College to the passing of the Bill. *Signed* by Zach. Cradock, Præpos., and H. Godolphin, Steph. Upman, John Hawtrey, Tho. Horne, Tho. Richardson, Edm. Whitfeild, and Wm. Fleetwood. *Dated* 23 Dec. 1692. [Read in Committee this day. (Com. Book.)]

677. Jan 27. Stydolfe *v.* Hull and others.—Petition and Appeal of Sigismund Stydolfe. In 1678 Petitioner brought a Bill in Chancery against the Executors of Thomas Bostock, Scrivener, during the minority of his children William and Mary, and against the said children and others for an account of profits received by Thomas of certain trust lands of Petitioner's under a settlement made by Petitioner's father, and for an account of the personal estate of Petitioner's father come to Thomas' hands. On 28 July, 31 Car. II., the Lord Chancellor Finch decreed an account, but before it was taken, Thomas' son and heir William died, leaving his cousin Thomas Bostock, Gent., his executor, and the Cause being revived against him, the Master on 31 May 1682 reported 2,176*l.* 1*s.* 8*d.* due to Petitioner. This Decree was confirmed on a rehearing by the Lord Keeper North on 11 Dec., 35 Car. II., but before the money was paid, Thomas the executor died, leaving the Respondent Hull's wife his executrix, and charging all his so-called estate (which really belonged to Thomas the scrivener), after payment of 200*l.* a year to his wife, with payment of his debts, the overplus to go to Respondent Langhorne and his wife. The Cause being revived against all the Defendants, the Master reported 2,416*l.* 18*s.* 0*d.* due to Petitioner, which Report was afterwards confirmed. Petitioner in 1687 brought another Bill in Chancery against Hull and his wife and executrix, Langhorne and his wife, the executors of Thomas Bostock, the scrivener, and Francis Leigh, Gent., who claimed 500*l.* East India Stock, part of Thomas the scrivener's estate, by an alleged assignment from Thomas Bostock, Gent., reciting that William and Thomas Bostock, Gent., had wasted Thomas the scrivener's estate to the value of above 20,000*l.*, and that the estate charged with the debts of Thomas Bostock, Gent., was descended to Langhorne, and praying satisfaction of his debts out of the estate of the said Thomas, and to be relieved against the assignment. The executors of Thomas Bostock, Gent., likewise brought another Bill against Leigh and others for relief against the assignment. These two Causes being heard on 20 July 1688,* the Lord Chancellor Jeffreys declared that Thomas Bostock, Gent., having wasted the estate to more than the value of Petitioner's debt, and having subjected his estate for payment of his debts, had made Petitioner's debt his own debt, and decreed Hull and his wife to account for the personal estate, and Lang-

* In Annex (*b*) the date is given, over an erasure, as 20 July 1689.

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horne and his wife to account for the real estate of Thomas Bostock, Gent., since his death, the real estate to be sold, to pay Petitioner's debt, and the overplus to be paid to Langhorne, the heir-at-law. In the Cause wherein Hull and his wife were Plaintiffs, the Court declared the assignment good, and dismissed the Bill. This dismission was confirmed, on a rehearing, by the Lords Commissioners Keck and Rawlinson on 3 April 1690, and Petitioner moved the present Lords Commissioners to have the lands sold pursuant to the decree. Their Lordships, however, upon Langhorne's Petition, granted a rehearing of Petitioner's cause, and on 2 March 1690–1 declared that the real estate ought not to be liable to any more than what the personal estate would fall short to answer of what Thomas Bostock, Gent., had wasted of Thomas, the scrivener's, estate, and decreed an account of the personal estate in Hull's hands, and also that Leigh should account for the East India Stock which he had received by virtue of his said Decrees, and discharged all orders for staying the rents of the real estate in the tenants' hands. Prays that this last Decree may be reversed, and the real estate forthwith sold according to the Decree of 20 July 1688 and the money applied to pay Petitioner's debt, and that Thomas Hull and his wife, Luke Langhorne and his wife, and Francis Leigh may be ordered to answer. *Signed* by Appellant; *Countersigned* by J. Somers and Tho. Filmer. L. J., XV. 204. [The Cause was heard on 23 Feb.* *Sir William Whitelocke* (for Appellant) opened the case. *Mr. Finch* (for Appellant): They order Stydolfe to go against Leigh, whom the Court has found not liable. We have a demand against them all. That we should go about is hard on us. Upon this rehearing, notwithstanding the dismission, you shall try what you can do with Leigh. (The Will of Thos. Bostock, Gent., is read.) We can find no assets for our money. *The Solicitor-General* (for Langhorne and his wife) is heard. *Sir Thomas Powys:* This is a most just and righteous decree. *Mr. Finch* reads the Decree. *Mr. Ward* (for Mr. Leigh): We ought to stand as we are, and not to be prejudiced by Mr. Stydolfe. We ought not to be drawn into this account. We are drawn in here to pay Bostock's debts. He was told he was not before the Court, except they are Appellants. Counsel withdrew upon this point, whether Leigh can be heard. *Agreed* that Leigh's Counsel be not heard. Speaker reported. Decree reversed. (MS. Min.; L. J., XV. 246.)]

Annexed:—

(*a.*) 6 Feb. Answer of Luke Langhorne and Susanna, his wife. Thomas the executor manifestly conceived he had sufficient personal estate to answer his debts, for he left 500*l.* to the Respondent Susan out of it, and willed that if his personal estate were not sufficient, the lease held of the Salters' Company should be last sold. But inasmuch as he only subjected his estate to the payment of his own debts, and Appellant's demand was a debt due from Thomas, the scrivener, his real estate, which has come to the Respondent Luke in right of his wife, the sister and heir-at-law of Thomas Bostock, Gent., ought not to be liable, or at least not beyond answering such waste as the personal estate does not suffice to answer, as to which waste no proof has been given. Neither the alleged assignment to Leigh, nor any consideration for the same was ever proved, and it was therefore in trust, nor in the other Cause, wherein Hull and

* Pursuant to order of 18 Jan. (L. J., XVIII. 236). The MS. Min. of 18 Jan. have an entry appointing the Cause for "the 22nd, at 8 o'clock."

his wife were Plaintiffs, did the Court ever declare the assignment good against Respondents, who were no parties to the suit. By the Master's report on 4 Dec. 1691 there remained in Leigh's hands no less than 1,283*l.* 8*s.* 3*d.*, above payment of the debt and interest, being a surplus so great that no account of waste was deemed necessary. Leigh was privy to all the proceedings in the Cause, being Solicitor for William and Thomas Bostock, nor has he proved any valuable consideration for the assignment. Pray that the Appeal may be dismissed. *Signed* by Respondents; *Countersigned* by R. Bretland. *Endorsed* as brought in this day.

(*b.*) 16 Feb. Answer of Francis Leigh, Gent. Thomas Bostock, Gent., being entitled to 500*l.* East India Stock, assigned it on 9 Nov. 1691 for good consideration to Respondent, and afterwards, with fraudulent intent to avoid it, brought his Bill against him in 1685. Before the Cause was heard, he died, leaving Penelope, his widow, and Robert Raworth his Executors. Penelope, having proved his will, brought a Bill of Revivor and then married the Respondent Hull, who brought another Bill of Revivor and revived the said Cause, which was heard on 20 July 1689, together with the one in which Appellant was Plaintiff. The East India Company not having been made a Party to either Cause, Respondent was forced to bring another Bill against them and Appellant to have a transfer of the Stock and to compel the Company to pay the dividends then due, which was decreed accordingly on 3 Sept. 1688 (*sic*). Hull and his wife then petitioned the Lords Commissioners for a rehearing of both the said Causes, and Langhorne obtained a rehearing at the same time of the Cause wherein Appellant was Plaintiff. All the said Causes were heard by the Lords Commissioners on 9 Dec. 1689, and Hull's Bill was dismissed and the Decree in the Cause wherein Respondent was Plaintiff, was confirmed. Langhorne and his wife, since then, procured another rehearing on 2 March 1690, although his Bill of Review was not then, nor is yet, determined. Respondent insists on the several dismissions and decree in affirmation of his title to the Stock. *Signed* by Respondent; *Countersigned* by Simon Harcourt. *Endorsed* as brought in this day.

678. Jan. 27. Baron *v.* Sir W. Haward.—Petition and Appeal of Christopher and William Baron, Administrators with the Will annexed, of George Baron. The Water-house and Water-work at Broken Wharf, London, being mortgaged by one John Burrough to Appellants' Testator for 5,000*l.*, and being in lease to one Barrington, Ramsey and Norwood for 21 years at 800*l.* a year, besides a ground-rent of 282*l.* 16*s.* 8*d.* payable to certain lessees of the City of London, Respondent, Sir Wm. Haward (Plaintiff below), exchanged for Burrough's interest an estate in Surrey, and covenanted to pay the mortgage, but neglecting to do so, made an agreement on 26 March 1684 with the Testator, George Baron, granting, for 1,000*l.* more, a rent-charge on the Water-works for 500*l.* a year to Testator, who released his mortgage, the rent-charge being payable to him before anything was to be paid to Respondent. The tenants neglecting to pay the rent-charge or the ground-rent, Testator brought his ejectment against Barrington and his co-lessees, and recovered judgment in 1684, and being liable to pay a large sum for ground-rent and other charges about the Water-works, and his own 500*l.* a year being in arrear, took an assignment of some debts from

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Barrington for his security, to which Respondent was privy. Testator then managed the Water-work himself, and laid out above 16,000*l.*, of which sum, and of the arrears of his rent-charge, amounting to above 4,000*l.*, he has not received a farthing. Respondent brought a Bill in Chancery against Appellant and others for an account of the profits of the Water-work, and on hearing the Master's Report, the Lords Commissioners on 21 Nov. 1691 declared that Baron's entering and avoiding the lease ought not to prejudice Respondent, but that he ought to have his 300*l.* a year during the term in the avoided lease, and decreed payment to him of the arrears and growing rent, before Appellants should receive any part of their 500*l.* a year. The Master, who was directed to take an account, reported that Appellants' and Testators' expenses on account of the Water-work exceeded their receipts. Since then, the Court on 24 Jan. has ordered the Master to appoint a Receiver and Manager of the Water-work, and that Appellants should deliver their books to Wm. Terry, Respondent's Accountant. Appeal from the last-named Decree and Order, and pray that Sir Wm. Haward may be ordered to answer. *Signed* by Appellants; *Countersigned* by Wm. Dobyns and Jo. Hungerford. L. J., XV. 204. [The Cause was heard on 23 Feb., *Mr. Finch* and *Mr. Dobyns* being heard for Appellants, and *Sir Thomas Powys* and *Mr. Filmer* for Respondent. Counsel for Respondent stated that the Water-work yielded between 900*l.* and 1,100*l.* a year. Decree affirmed. (MS. Min.; L. J., XV. 245.) For further proceedings see Notes to Annex (*b*) below.]

Annexed:—

(*a.*) 15 Feb. Answer of Sir William Haward, Knt.—The Testator, by combination with one Edward Hemings, John Burroughs and others, drew Respondent into an exchange of a good estate in fee simple in Tandridge Hall, Surrey, worth 600*l.* a year, for the Water-work, subject to a yearly ground-rent of 282*l.* 16*s.* 8*d.*, and several incident charges, and afterwards, to regain the Water-work, avoided a lease made by Testator and Respondent, to Abraham Barrington, William Ramsey, and Edward Norwood, whereon a further rent of 800*l.* a year was reserved, whereof 500*l.* a year was to be paid to the Testator, and 300*l.* to Respondent. Respondent suffered the whole of this 800*l.* to be reserved to Testator, being then ignorant of his designs, but on Testator's avoiding the lease, brought his Bill to be relieved against the fraud. If the expenses of the Water-work devoured the profits, it was due to mismanagement. Prays that the Appeal may be dismissed with costs. *Unsigned* by Respondent. *Countersigned* by Tho. Powis and Tho. Filmer, whose signatures are copied. *Endorsed* as brought in this day.

(*b.*) 28 Jan. 1697–8. (Appeal lately depending.)—Petition of Christopher and William Baron. Repeat the contents of their Petition of Appeal above, and add that, since the dismissal of their Appeal by the House on 23 Feb. 1692–3, the matter having come before the Court below, in respect of the profits only, the L. Chancellor on 3 Nov. 1697 ordered Petitioners to pay 100*l.*, with leave to apply to the House for an explanation of the Order of 21 Nov. 1691. Pray their Lordships to declare whether the said Order was intended to oblige Petitioners to answer the 300*l.* a year to Respondent otherwise than out of the profits of the Water-work, and to appoint a day for hearing. *Signed* by Petitioners; *Countersigned* by P. Crawford and Jo. Hungerford.

[Read this day and referred to a Committee, to consider whether the same be fit to be received. (L. J., XVI. 204.) In Committee on 4 Feb., the original Petition of Appeal and Answer and Judgment of 23 Feb. 1692–3 were read, together with the above Petition. *Mr. Dobyns* (for Petitioners) opens the Case. The two Orders of Chancery, of 21 Nov. 1691 and 24 Jan. 1692, are read. He quotes *Dodd* v. *Burroughes*, and the case of *Sir Edward Turner*,* where the Lords explained their Orders. *Mr. Jennings* (for Petitioners): We desire not a rehearing on the merits, but to explain your own Order. *Sir Thomas Powys* (for Sir Wm. Hayward): Shows what practices Baron had used to cheat Sir Wm. Hayward of his right in the Water-work. *Mr. Filmer* (for Sir W. Hayward): We have had at least twelve or thirteen references. *Ordered* to report that the Petition be rejected. (Com. Book.) On report on 7 Feb. the Petition was accordingly rejected. (L. J., XVI. 208.)]

679. Jan. 27. East India Company *v.* Attorney-General.—Petition and Appeal of the Governor and Company of Merchants of London trading to the East Indies. The Company at their vast charge established a trade to the East Indies, much to the honour and public benefit of this Kingdom, and erected factories and built forts and castles, wherein they kept soldiers for the defence of their trade and privileges, granted to them by the Mogul or King of that country, and by Charters of Charles II. and James II. had full power to make war or peace with any of the heathen princes within the limits of their trade, without any reservation to the Crown or Lord High Admiral of England of the tenth or any other part of prizes, and continued to enjoy their trade and liberties until of late, by the unwarrantable trading of interlopers, and greatly by their means and procurement, their factories, servants and goods were unjustly seized and large sums extorted from them. They refrained, however, from any hostile act, until the Moors, by their barbarous murder of an Englishman, and assaulting the rest at Hooghly, began the war and became the aggressors. The particulars of their injuries were then faithfully represented to his Majesty in Council, who was pleased to direct them to make war against the Great Mogul, which was done, and his Majesty granted commissions to several Captains of his ships-of-war to assist the Company, requiring the Captains to take care that the tenths of all prizes taken and condemned should be paid to the Crown. The whole expenses of the war, which continued for some time, were paid by Appellants, who paid the King the tenths of all the prizes, amounting to 1,361*l.* 13*s.* 1*d.*, taken and condemned in the East Indies, being all of which they had any notice. But Walter Whittfeild, John Earle and Thomas Killner, pretending that more prizes were taken than those accounted for, and having got a Privy Seal for the tenth part of all that were taken, prevailed with the Attorney-General, at their relation, to exhibit a Bill in the Exchequer against Appellants for an account. The latter answered denying that they were accountable, or that they took any ships as prize, and insisting that the ships stayed during the war were only stayed in order to make an honourable peace, and that by the Articles of Peace they are obliged to restore them, except such as were sent to England, or destroyed and plundered by the soldiers, for which Appellants, as was stipulated, have paid. Two of Appellants' ships, the *Charles II.* and the *New London*, arriving, after this, with goods from the East

* *Turner* v. *Turner*, L. J., XIV. 344.

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Indies, the Relators endeavoured to charge Appellants with all their cargoes as prize goods, though a great part was bought by Appellants' factors in the East Indies, and most of the rest belonged to other merchants, leaving very little, if any, prize goods, and what there were, never condemned, as Appellants could have fully proved, had a Commission been allowed them to examine their witnesses abroad. The Court, after hearing the Cause, made two Decrees on 25 Jan. and 1 Feb. 1691, ordering Appellants firstly, to account for the tenth of all prizes condemned in Bengal and of the prize goods brought to England in the two ships, and secondly, to make a general account of all prizes whatsoever taken in the war. The Remembrancer reported prize goods on the two ships to the value of 90,000*l.*, and a tenth thereof, or 9,000*l.*, to be due to the Crown, the report being grounded on the evidence of only one positive witness, one Jeremiah Bonneale, which was contradicted by Appellants' Answer, and as to 179 bales of goods by some of Appellants' witnesses. The Court, on hearing exceptions, referred it to a trial at law whether the said bales were prize goods or not, and a jury found that they were not. The Court, however, on a further hearing of the exceptions, and without any further evidence, on 29 Nov. 1692 confirmed the Report, discounting 1,060*l.* for the tenth of the said bales, and decreed the remaining 7,940*l.* to be paid by Appellants, and though by a later Order of 6 Dec. a Commission has been granted to Appellants to examine witnesses in the East Indies as to the general account, Appellants are not allowed to examine to any matters relating to the two ships. Pray that the Decree of 29 Nov. 1692 may be reversed, and the Attorney-General and Relators ordered to answer. *Signed* in the name and by order of the Company by Robt. Blackborne, Secretary; *Countersigned* by James Smyth and Will. Coke. L. J., XV. 204. [The Cause was heard and the Decree affirmed on 14 Feb., *Mr. Finch* and *Mr. Ward* being heard for Appellants, and *The Solicitor-General* and *Sir William Williams* for the Crown. (MS. Min.; L. J., XV. 229.)]

Annexed:—

(*a.*) 6 Feb. Answer of Sir John Somers, Knt., her Majesty's Attorney-General, as well for and on behalf of their Majesties, as for and on behalf and at the relation of Walter Whitfeild, John Earle and Thomas Kilner, Relators. As to the so-called Interlopers, or the provocations given by the Moors, or the representations made by Appellants to the King or Council, Respondents know nothing. James II. granted several commissions to Captains of the Company's ships to assist the Company in the war, with directions to keep note of all prizes and send accounts to the Secretary of the Admiralty, and bring all prizes to some Court of Admiralty in India, without breaking bulk or wasting them before judgment, and taking care that the Lord High Admiral's tenths should be paid. It was fully proved that Appellants took several other prizes to a considerable value and industriously kept off all Courts of Admiralty, which could only be held by their order, to avoid the tenth due to the Crown and the seamen's sixth promised by the Company. The Privy Seal of 28 Feb. 2 Will. & Mary gives the Relators power to sue for the tenths, and keep one-third thereof for their pains and charges. Tobias Eden, Deputy to the Remembrancer of the Exchequer, reported, after full proof, that the prize goods on the two ships were brought to England for the Company's service, and part of them sold publicly at the East India House on 30 Oct. 1690, as was admitted by Francis Boyer, their Ac-

countant, who valued the part sold at 38,070*l.* 17*s.* 9*d.*, and another part, not mentioned in Boyer's account, but amounting in value to 51,930*l.*, sold by private contract. The applications for a Commission to examine witnesses were made merely for delay. Appellants by their Agents tried to conceal the prize goods by altering the marks and parcels in their warehouses. Bonneale had been a servant of Appellants during the war, and came over with the prize goods, and his evidence was supported by good proof. Pray that the Appeal may be dismissed with costs. *Signed* by J. Somers. *Endorsed* as brought in this day.

680. Jan. 27. Sir J. Williams' Estate Act.—Draft of an Act to enable Sir John Williams, of Llangibby Castle, in the County of Monmouth, Bart., to sell the manors of Ewyas Lacy, Waterston and Trescaillan and other lands in the County of Hereford, and the manor of Carwent and other lands in the County of Monmouth for payment of debts. No Amendments by the Lords. (Com. Book, Feb. 7, 9, 10 and 13.) The Commons' Amendments are given in C. J., X. 834. [Read 1ª this day; Royal Assent 14 March. (L. J., XV. 204, 289.) 4–5 W. & M. c. 36 in Long Calendar.]

681. Jan. 27. Bayntun's Estate Act.—Petition of Clottworthy Skeffington, Esq. Petitioner may be prejudiced by the Bill, if not sufficiently provided for, but living remote in the country, he had no notice of it till very lately. Prays to be heard by Counsel before it is further proceeded with. [Read this day in Committee. (Com. Book.) The Bill for the more speedy and effectual execution of the Trust created by the Will of Henry Bayntun, Esq., deceased, and for raising a portion for his daughter, was brought from the Commons and read 1ª on Jan. 18; Royal Assent 14 March. (L. J., XV. 188, 289.) 4–5 W. & M. c. 27. in Long Calendar.]

Annexed:—

(*a.*) 27 Jan. Draft Proviso, marked ✠, as follows:—Provided that this Act or anything therein contained shall not extend in any sort to avoid, impeach or prejudice any right or interest which Clottworthy Skeffington, Esquire, in the right of Rachell, his wife, daughter of the said Sir Edward Hungerford, or either of them or their assigns hath or have, or can or may have, either in law or equity, in or to any portion or portions, sum or sums of money whatsoever charged, or which at any time hereafter may be payable on or out of the premises or any part or parts of the same, by virtue of any deed or deeds, settlement or settlements of the same, made by the same Sir Edward Hungerford in the year 1664, or otherwise howsoever, but that the same shall be and remain to him the said Clottworthy Skeffington and Rachell, his wife, their executors, administrators and assigns, as if this Act had never been made, anything therein contained to the contrary in any ways notwithstanding. [Offered this day in Committee by *Mr. Sloane*, Counsel for Petitioner above. *Mr. Gage* (for Lady Anne Bayntun): Mr. Skeffington's interest is sufficiently saved by the General Saving. *Mr. Holford* (for the Creditors): This Proviso will impede the sale of the estate. They withdraw. They are called in again and asked whether the naming Mr. Skeffington and his Lady and their assigns in the Saving Clause may not be sufficient to secure them, and not

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prejudice Lady Bayntun or the Creditors. They think it may. (Com. Book.)*]

(*b.*) 8 Feb. Petition of John Bush, late of the City of Dublin, Merchant.—The late Thos. Horton, of Iford, in the County of Wilts, Merchant, was seized of certain lands in and adjacent to Iford, of the yearly value of 500*l.*, which are lawfully descended to Petitioner, as his right heir at law, he being son and heir of Paul Bush, who was son and heir of James Bush, son and heir of Walter Bush and Maud, daughter and one of the coheirs of Thomas Horton, who in 1530 enfeoffed the said estate on his nephew Thos. Horton and his heirs male, failing whom, on the heirs male of Anthony and Henry Rogers, failing whom, on his own right heirs. Petitioner served summons of ejectment on the tenants about two years past and had proceeded to take rules for a trial, but was debarred by Henry Baynton, Esq., of Spy Park, co. Wilts, who was then in possession and claimed privilege as a Member of Parliament. Bayntun then obtained leave in the Commons to bring in the present Bill, which, if passed, will obstruct, if not defeat, Petitioner's title. Prays that his right may be determined before the Bill passes, or that a saving may be introduced in his favour. [Read this day in Committee. Com. Book.]

682. Jan. 28. L. Stawell's Estate Bill.—Draft of an Act for payment of the debts of John, Lord Stawell, lately deceased. The Bill is to the following effect:—

§ i. Whereas the said debts are very great, and cannot be satisfied except by sale of his real estate, for which an Act of Parliament is necessary, as Anne, his only child and heir, is an infant, not yet one year old; the Bill therefore enacts that all the estate and interest which the late John, L. Stawell had, and William, L. Stawell and his brother Edward, now have, in certain manors, &c. in Somerset, Dorset and Wilts, or elsewhere in England, shall be vested in (*blank*), in trust to sell the same (except the manor, &c. of Cotheleston, mortgaged to Lady Grace Pierrepoint) or so much as shall be sufficient for the purposes of the Act; to apply the money so raised, and all the rents, &c. received until such sale, (1) first in reimbursing the charges of the Trustees, and next (2), in paying a yearly sum of (*blank*), payable half-yearly, as maintenance to Anne Stawell; (3) to satisfy with interest all debts due by John, L. Stawell, first, upon mortgage (except 6,000*l.* due to Lady Grace Pierrepoint), next, upon statutes, &c., and lastly, all his remaining debts; (4) to pay to Margaret, Lady Stawell, his widow, the sum of (*blank*); and (5) to pay the residue remaining in their hands to Anne Stawell, her heirs and assigns, for whom the Trustees shall then stand seized, in trust, of the premises unsold.

§ ii. And whereas Margaret, Lady Stawell was or is entitled to a portion of 10,000*l.* by the provision of her father the late James, E. Salisbury, whereof only 254*l.* 2*s.* 6*d.* has been as yet received, and 5,273*l.* 10*s.* 0*d.* remains now in the hands of Sir Edward Desbouverie, Knt., and the remaining 4,472*l.* 10*s.* 0*d.* remains to be raised by an Act of this present Parliament for the better securing the portions, debts and legacies given and owing by James, late Earl of Salisbury; And whereas John, L. Stawell, before his marriage with Margaret,

* It appears from the original Roll that the Committee, instead of adding the above Proviso, inserted in the general Saving Clause the names of Clottworthy Skeffington, and Rachell his wife, and their assigns. From an entry in MS. Min., it appears that the Committee was revived on 28 Jan.

Lady Stawell, who was then under 21 years of age, agreed to settle a rent-charge of 1,500*l.* a year upon her for her jointure, in consideration of the said portion and in lieu of her dower, but his incumbrances and death prevented his performing that agreement, and in regard the encumbering the estate with such a rent-charge will extremely prejudice the sale thereof, the said Margaret, Lady Stawell is therefore content to accept of an equivalent satisfaction for it, the Bill further enacts that Lady Stawell's said right of dower and claim to rent-charge or jointure shall cease, and that, in satisfaction for the same, she shall receive the said sums of 5,273*l.* 10*s.* and 4,472*l.* 10*s.* free of all claims, and also the sum of (*blank*), hereinbefore limited to be raised and paid to her by the said Trustees.

§ iii. And whereas by Indenture of Mortgage, dated 6 August 1690, between John, L. Stawell and Lady Grace Pierrepoint, the manor, &c. of Cotheleston and L. Stawell's other lands there, and in Kingston and Bishopps Lydiard, in Somersetshire, were granted to Lady Grace for 500 years, without impeachment of waste, under a Proviso that John, L. Stawell should re-enter on payment of 6,300*l.* at certain times, and also 5,000*l.* with interest, and it was agreed that the mortgage should stand as a security for payment to her of the other 5,000*l.* and interest, and L. Stawell entered into a bond of 12,000*l.* to Lady Grace for payment of the 6,000*l.* and interest and performance of the covenants in the mortgage; it is enacted that the said (*blank*) Trustees shall forthwith sell so much of the manor, &c. of Cotheleston as shall suffice for the performance of their trust, viz. to apply the moneys so raised, and the rents received until such sale, in paying, first, all their charges, &c. as Trustees, and next, the said sum of 6,000*l.* with interest; or, in case Lady Grace shall receive anything, in satisfaction of her debt, out of L. Stawell's personal estate, or any of the said lands (except the manor, &c. of Cotheleston), then in trust, to reimburse (out of the moneys to be raised out of the manor, &c. of Cotheleston), towards satisfaction of L. Stawell's debts and for the benefit of Anne Stawell and her heirs, so much money as Lady Grace shall so receive; and lastly, in trust to stand seized of so much of the manor and premises as shall remain unsold, in trust for William, L. Stawell and Edward Stawell, his brother, and their heirs male and the right heirs of John, L. Stawell for such estates, and subject to such charges (other than the 6,000*l.* and interest), and in such manner as if this Act had not been made, and after such sale, to make conveyances of what shall remain unsold accordingly.

§ iv. Provided that every person to whom the said (*blank*) Trustees shall by virtue of this Act sell the premises hereby vested in them, shall hold the same free from all the trusts hereby limited, so as the sum to be paid on such sale be applied towards discharge of any of the said trusts in manner before appointed.

§ v. And whereas John, L. Stawell, dying intestate on 30 Nov. 1692, Dame Margaret Stawell has obtained letters of administration of his personal estate, it is enacted that it shall be lawful for her to retain to herself thereout to the value of (*blank*), and that all the rest shall be applied according to the rules of law and equity, with power to her, nevertheless, to deduct her payments for her husband's funeral and debts, and her charges of administration, she accounting for whatever else she shall receive out of the real or personal estate, other than such part as she shall retain to her own use by virtue of this Act.

§ vi. And to the end that the said real and personal estate may be under the same management, it is enacted that from and after (*blank*) Lady Stawell's letters of administration shall cease, and that the Judge

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of the Prerogative Court of Canterbury may grant letters of administration of the personal estate not administered by her to the Trustees.

§ vii. Saving to the Queen, &c. [Read 1ª this day. (L. J., XV. 206.) In Committee on 9 Feb., L. Cornwallis in the Chair, *Sir Thomas Powys* (for Mrs. [Lady] Stawell) desired there might be an estimate of the arrears of rents, of renewing leases and of a mortgage of a great sum due to the late L. Stawell, and of the rest of his personal estate. The L. Stawell's debts are nearly 80,000*l.* Mr. Leigh's mortgage and the L. Stawell's personal estate will be nearly 40,000*l.* The filling up lives may make 8,000*l.* The Lady's fortune still unpaid is about 9,700*l.* This makes together 57,000*l.* and some hundred pounds. *Sir William Williams* (for the Bill): The debts are about 80,000*l.* The whole estate will be cumbered with these debts. Without an Act, 20 years will not clear the estate. The personal estate will not be more than 2,000*l.* We know nothing of Leigh's lease; it is merely imaginary. Fines will come in by leases, perhaps 8,000*l.* *Mr. Dobyns* (for the Bill): This Act is no more than a general settlement. We pretend not to the personal estate. We know not what my Lord's debts were. *Sir Thomas Powys* desires that the Counsel on both sides may meet and peruse the Stewards' Books and inform themselves, as well as they can, concerning the personal estate. *Mr. Dobyns:* The mortgagees have the whole estate. *Mr. Reding* says he has the mortgages, and the account between L. Stawell and Col. Leigh. *Sir Thomas Powys* and *Mr. Reding* open Mr. Shale's and Mr. Shelden's case as to the 5,200*l.* mentioned in the Bill. *Counsel* for L. Stawell desire to be heard at the next meeting. *Ordered* accordingly.—On 11 Feb., L. Cornwallis in the Chair, *Mr. Dobyns* (for the Bill) says that the Solicitors on both sides have spent much time in perusing the Books. They say that the Quit-rents are 525*l.* per annum, and the demesnes are 435*l.*, and Awbery 350*l.*, and the Parsonage of Halse is 80*l.*, and the other demesnes are 500*l.*—in all 1,890*l.* Cudleston [Cotheleston] demesnes are 400*l.*, and chief rents 16*l.* 8*s.* 2*d.* The total of fines for 20 years is 48,315*l.*, which is about 4,000*l.* a year. The personal estate is 21,700*l.* and some goods unappraised. *Sir Thomas Powys:* The fines are 2,400*l.* per annum; the demesnes 1,365*l.* per annum, and the Quit-rents 525*l.* per annum; Mr. Leigh's mortgage 14,000*l.*; from Sir William Bassett 1,100*l.*; two shares in Bermudas Back (*sic*) 400*l.*; from Mrs. Cole 500*l.*; on several bonds 600*l.*; part of the personal estate already appraised 5,000*l.*; part thereof not appraised 5,000*l.*; Lady Stawell's Portion 9,746*l.*; lives now fallen 7,000*l.*:—Total 43,346*l.* The debts are about 72,000*l.*, which is more than the personal estate by 28,654*l.* [Of the debts there are portions to the L. Stawell's three sisters not yet payable 20,000*l.*]* *Serjeant Thompson* (for L. Stawell) says the manors of Cotheleston and Bishopps Lydiard are come to the present L. Stawell. Prays this Bill may not relate further to this Estate than the taking of 11,000*l.*, which is charged on them. *Agreed*, That there be a power by the Bill to Trustees to sell, with restraint to them that they abuse not their power, and that the overplus of the money raised by the sale shall be laid out in purchase of lands for the infant. That 5,000*l.* may be raised by the sale more than the 28,654*l.* debts. That the Trustees be agreed by the several Parties against the next meeting. *The Lady Dowager Stawell* desires to have her part in money.—On 14 Feb., L. Cornwallis in the Chair, *Mr. Filmer* (for Lady Grace Pierrepoint) says she desires no Trustee. *Sir Thomas Powys* proposes that the personal estate and fines for leases pay off the mortgages.

* The words in square brackets are struck through.

Mr. Conyers (for Mr. Adams): We must have our whole sum together. *Sir Thomas Powys* proposes that all moneys raised by the Trustees be kept in their hands till they can pay off a whole mortgage. *Mr. Dobyns:* This matter must be left to Trustees, under the direction of the Chancery. *Mr. Conyers* proposes that the money raised do in the first place pay all interest. *Mr. Dobyns:* This method of payment will ruin the estate. Nothing but a power to sell the whole will do. *Sir Thomas Powys* says that the 20,000*l.* to the children and the 6,000*l.* to the Lady Grace Pierrepoint need not be quickly paid. He proposes that land at a distance in Dorsetshire, to the value of 13,000*l.*, may be sold, viz., Cbilfroome, Wraxall, &c. That, if this be not sufficient, then the annual profits till the child's age of 21 years should go towards the payment of the debts. That the lease of Gamesham may be sold for 1,100*l.* That the Trustees have not only a power to receive profits, but to sell what they think fit of the estate, if all debts be not then paid. He offers a Clause, which enacts the premises.* The Clause is read. *Mr. Dobyns* says he has not seen it, so cannot speak to it at present. Desires time to consult Counsel in it, for it overthrows the whole Bill. They withdraw. The Parties and Counsel are called in again and told that the Committee are of opinion that the personal estate shall entirely go in satisfaction of the debts, as has been proposed, and that they would have a Clause drawn to that purpose. That there is no value to be set on the personal estate. That their Lordships will take particular care of my Lady. *Mr. Dobyns* desires that the Creditors, who are numerous, that have no other fund but the personal estate, may be heard; which will be a work of time, for many of them are in the country. We insist that the whole 10,000*l.* portion is my Lady's own money. *Ordered*, That the Counsel meet and draw a Clause to the effect aforesaid against the next meeting.

On 16 Feb., L. Cornwallis in the Chair, *Sir Thomas Powys* acquaints the Committee that the Counsel have met and agreed to some amendments and a Clause. The Clause is read.† *Mr. Gibbins* (for the Bond Creditors) desires that they may not be postponed till the mortgages be paid, but that they may be paid out of the personal estate. *Mr. Dobyns* (for the heir-at-law): We are willing all debts shall be paid, and do not oppose the Clause. The whole Estate is in mortgage, and pays interest for 80,000*l.* *Sir Thomas Powys:* The only question between us is, whether the Trustees shall sell such part of the Estate as your Lordships shall direct, or such part as the Chancery shall direct. *Mr. Dobyns:* If the Trustees may not have power to sell the whole, we retract our consent of taking any money for my Lady, and will withdraw our Bill. My Lady will rely on her dower, which will affect all the Estate, except that for the children's portions, for her Ladyship's marriage was before the mortgages. *Mrs. Stawell* says it is her desire that all the Creditors be paid. *Sir Thomas Powys* desires a day's time to consider of it. *Mr. Reding* (for L. William Stawell) says he has prepared a Bill which he desires leave to bring in. Nothing more was done. (Com. Book.) The Bill, accordingly, dropped in Committee, but a Bill with the same Title and corresponding largely with the above, received the Royal Assent on 16 April 1694. (L. J., XV. 417. 5–6 W. & M. c. 34. in Long Calendar.)]

Annexed:—

(*a*.) 14 Feb. 1692–3. Amended ‡ Draft of Proviso, as follows:—
Provided also, and be it enacted and declared by the authority aforesaid, That the said , their heirs

* Annex (*a*). † Annex (*b*).

‡ The omissions are shown by square brackets, and the additions by italics.

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and assigns, shall in the first place apply the said personal estate of the said John, Lord Stawell, other than and except , hereby appointed to the said Lady Stawell, towards the payment of the said debts due by mortgage, so far as the same will extend, in such manner as by this Act is directed, and also [until sale made of the said real estate] *that they, the said , with all convenient speed, shall also fill up all the leases and copies of Court Rolls, and wherein any lives are fallen, to the best purchaser or purchasers, that can or may be got for the same, and that the moneys arising thereby shall also be applied towards the payment of the debts aforesaid, and that they, the said* , shall apply the rents, issues and profits of the said real estate *from time to time*, except what hereinbefore by this Act is appointed for the maintenance of the said Anne Stawell, for the payment of [the said debts as aforesaid] *such debts as shall be remaining and unpaid.* And it is hereby declared, That the said Trustees shall make sale of all the estate of the said John, late Lord Stawell, in Rampisham, Chillfroom and Wraxall aforesaid, to the best purchaser or purchasers that can or may be had for the same, as also of a certain term of thirty years yet to come, on a lease of certain lands situate in *Gamesham*, and of every or any part or parts thereof, before any other part or parts of the said real estate of the said late Lord Stawell, herein and hereby vested in the said [Trustees] , their heirs and assigns, shall be [exposed to sale] *sold;* and that from and immediately after [such sale] *application* of the said personal estate and of *the money arising by fines, as also by the sale of* the said premises in Rampisham, Chillfroome and Wraxall, and of the said term for thirty years in *Gamesham* [aforesaid], hereinbefore directed to be sold, That such part of the said debts of the said personal estate [and], *fines and profits of the premises, and money arising by sale of* the premises hereinbefore in this Act limited in the first place to be sold [as the same] shall not amount to pay, that then and in such case, they, the said , their heirs and assigns, shall and may from time to time apply the residue and remainder of the rents, issues and profits of all the said premises, over and above what is hereinbefore by this Act limited, to the said Anne Stawell for her maintenance, towards the payment and satisfaction of the residue and remainder of the said debts *of the said late John Stawell*, due by mortgage *or otherwise*, with such interest as shall become due for the same, until the said Anne Stawell shall attain her age of 21 years or be married, and that from and after her attaining her said age of 21 years or marriage as aforesaid, in case all the said debts shall not be paid, that then, in such case, it is hereby declared to be the true intent and meaning of this Act, that it shall and may be lawful to and for the said , their heirs and assigns, to make sale of such other part of the said estate as shall be then thought most convenient, for the payment of the residue and remainder of the debts which shall then be due and owing to any person or persons, and the residue of the money that shall arise by such sale (if any there be) [that then in such case it is hereby further declared that the same] shall be laid out in the purchase of other lands, tenements and hereditaments by the said , their heirs or assigns, in some convenient place near adjoining to such

of the said real estate as shall remain unsold, *which said lands and premises, when purchased, shall be in trust for, and conveyed unto the said Anne Stawell and her heirs*, and [that] until such purchase made, the said money (if any there be) and the interest and increase thereof from time to time, shall go and is hereby vested in the said , their [heirs] *executors, administrators* and assigns, for the use and benefit of the said Anne Stawell and her heirs, or such person or persons, and their heirs, to whom the freehold and inheritance of such parts of the said manors, hereditaments and premises as remain unsold shall from time to time go and belong unto (anything in this Act herein contained to the contrary thereof in any wise notwithstanding.) *Endorsed* as read this day. [*See* Notes to first Paper under date.]

(*b.*) 16 Feb. Draft Proviso as follows:—Provided always, and be it enacted and declared by the authority aforesaid, that the said , their heirs and assigns, shall in the first place apply the said personal estate of the said John, Lord Stawell towards the payment of the debts of the said Lord Stawell, so far as the same will extend. *Endorsed* as read this day. [*See* Notes to first Paper under date.]

683. Jan. 28. L. Shannon's Estate Act.—Amended Draft of an Act [concerning the Lord Shannon's Estate] *for settling the Estate of Francis Boyle, Lord Viscount Shannon in the Kingdom of Ireland.* The Lords' Amendments, which include the one in the title (Com. Book, 7 Feb.), are purely verbal. No amendments in the Commons. [Read 1ª this day; Royal Assent 14 March (L. J., XV. 206, 289) 4–5. W. & M. c. 31. in Long Calendar.]

684. Feb. 6. Towers' Estate Act.—Amended draft of an Act for vesting the manors of Barcrofts, otherwise Thonock, otherwise Lowthonock Hinton, otherwise Hengton, and other lands in the County of Lincoln, Isle of Ely, Counties of Cambridge and Norfolk, in Trustees for payment of the debts of Thomas Towers, Esq., and making provision for his wife and daughter. The Lords' Amendments (Com. Book, 10 Feb.) are to insert the names of the Trustees, and the words ("Feast of St. Michael the Archangel"). No amendments in the Commons. [Read this day; Royal Assent 14 March. (L. J., XV. 217, 289) 4 & 5 W. & M. c. 33. in Long Calendar.]

Annexed:—

(*a.*) 10 Feb. Letter of Attorney from Thos. Towers, of Haddenham, Esq., empowering Mr. Wm. Pocklington to give consent for him to the Bill. *Dated* 21 Jan. 1692. *Attested* by Henry Palmer and Ann Grove. [Read this day in Committee. Com. Book.]

685. Feb. 6. Chetham *v.* Humfrey.—Petition and Appeal of Ralph Chetham, Gent., Administrator of George Beale, Esq., deceased, Beale, on his marriage with the daughter of the late Toby Humfrey, the father of Respondent, was to have 1,500*l.* portion, of which he has received nothing but some goods of small value, Toby being greatly indebted, particularly in respect of bonds for 2,500*l.*, in which he was bound jointly with Respondent, whom he indemnified by confessing a judgment of 4,000*l.* In 1686 execution being sued out upon a judgment of 400*l.* obtained against Toby by Anne Savile and one Robinson, the bailiffs of Pomfret seized his goods and sold them to Beale for

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332*l.* 15*s.* 2*d.*, their full value. Thereupon Respondent brought a *scire facias* against Beale, as executor *de son tort*, upon the judgment of 4,000*l.*, to which Beale pleaded fully administered. It being agreed to refer all differences to the now Justice Rokeby and Serjeant Belwood, Beale entered into a bond of 1,000*l.* to stand to the award, if made by the 29th September following. Notwithstanding this agreement, and although all the matters were transacted in Yorkshire, Respondent proceeded to an *ex parte* trial upon the *scire facias*, and obtained judgment for 637*l.* Beale, after failing to get the judgment set aside in a Court of law, brought a Writ of Error and a Bill in Chancery, and obtained an injunction, but the suit abating by Beale's death in their Majesties' service beyond sea, Respondent renewed his proceedings at law, and took out execution for 1,274*l.* against Appellant, who had been bail for Beale in the Writ of Error, whereupon Appellant took out letters of administration of Beale's estate and revived the cause in Chancery. After a hearing on 26 Nov. last, the Lords Commissioners, in regard the matter of the irregularity of going to trial had been examined in the Common Pleas, declared they could not relieve Appellant further than as to his standing in Beale's place, and decreed an account touching the debts for which Respondent was co-surety with his father, and ordered the 637*l.* to be paid into Court. Prays that this Decree may be reversed, at least so far as to allow a new trial, and Respondent ordered to answer. *Unsigned* by Appellant; *Countersigned* by J. Somers and Ambr. Phillipps. L. J., XV. 216. [The Cause was heard and the Decree affirmed on 10 March, *Sir Ambrose Phillipps* and *Mr. Finch* being heard for Appellant, and *Sir Thomas Powys* and *Mr. Ward* for Respondent. (MS. Min.; L. J., XV. 283.)]

Annexed:—

(*a.*) 11 Feb. Answer of Toby Humfrey. Respondent was bound for debts of his father amounting to above 3,500*l.* Beale, on his father's death, possessed himself of all his personal estate, under pretence of being his executor. Beale proposed the reference, and Respondent never entered into any bond to abide the award, nor does he know that any bond was entered into by Beale. The award not being made by the time agreed on, Respondent gave Beale due notice of his proceeding to trial. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Tho. Powys. *Endorsed* as brought in this day.

686. Feb. 6. Alnage (Customs Collection) Bill.—Commons' Engrossment of an Act for transferring the Collection of the Duty of Alnage to the Custom House, and for giving a recompense to the Crown for the same. This Bill differs from the Bill of 20 Jan. 1691–2 by omitting Clauses 4 and 8, and also the words of that Bill inserted here in square brackets, and by adding the words in italics, viz.:—

Clause 1.

. . . Collector of the [subsidy or duty] *duty and subsidy* of Alnage . . .
. . . is no [way] *ways* serviceable to the Woollen Manufactures . . .
. . . manner of collecting the said [duty] *duties* by officers . . .
. . . hindrance to the trade of the Woollen Manufacturers [And whereas great disputes and controversies have arisen upon several kinds of woollen manufactures, whether any or what duty is or hath been due for the same]. For remedy whereof . . .
. . . March, *which shall be in the year of our Lord*, one thousand, six hundred, ninety [two] *and three*, the Office . . .
. . . Collectors of the said duty [or] *and* subsidy of Alnage . . .

Clause 2.

. . . may be [ascertained and] brought in with little charge [and] *or* trouble . . .

. . . that [all] the duty [or] *and* subsidy of Alnage [due and payable before the passing of this Act] for the Woollen Manufactures . . .

. . . that is to say, for every long cloth [six] *seven* pence; for every short cloth, according to the Book of Rates, [six] *eight* pence; for every Minikin Bay, [six] *seven* pence; for every double bay, three pence *half-penny;* for every single bay, two pence *half-penny;* for [every pound weight of] *all* old and new drapery that is entered and pays by weight, [half a farthing], *that is to say, for every six pound weight of Perpetuanas and Serges, one penny, and for all other draperies, one farthing the pound weight;* for every dozen of men's stockings, one [half] penny; for every dozen of children's stockings, and ends of stockings, [one farthing] *a half-penny;* for every hundred goads of cotton [sixpence] *one shilling;* for every hundred yards of flannel [fourpence] *one shilling;* for every hundred yards of freeze, [eightpence] *one shilling;* for every pair of blankets, [one half-penny] *threepence;* and for every rug [and coverlet one half-penny] *threepence* . . .

. . . particularly mentioned, *and that all other manufactures made wholly or in part of sheep or lamb's wool, that are now liable to the payments of the duties of subsidy and Alnage, shall upon the exportation thereof, pay a fifth part more than the said commodities are now chargeable with by the Book of Rates.*

Clause 3.

. . . better collecting the said duty [or] *and* subsidy . . .

Clause 4 (Clause 5 of Bill of 1691–2).

. . . received at their Majesties' Custom Houses [by the Custom House Officers] shall be received . . .

. . . title to the said duty [or] *and* subsidy of Alnage hereby transferred . . .

Clause 5 (Clause 7 in Bill of 1691–2).

And whereas the said Duchess of Richmond *hath heretofore,* for and in consideration of [the sum of one thousand, one hundred] *eleven hundred,* forty eight pounds *of lawful money to her paid,* [hath heretofore] granted [unto Richard Seys, of Lincoln's Inn, in the County of Middlesex, Esquire, one annuity or yearly rentcharge of] *out of the said subsidy and duty arising by the Alnage, and the rent thereon reserved, the clear yearly sum of* one hundred *and* thirty-eight pounds *of like money,* [to be paid and] payable in the first place and [preferable] *precedent* to all other payments [out of the said subsidy or duty of Alnage, and out of the rents thereon then reserved] *thereout by quarterly payments unto Richard Seys, of Lincoln's Inn, in the County of Middlesex, Esquire,* for the term of twenty years and one half year, commencing from [Christmas] *the Feast of the Birth of our Lord Christ, which was in the year of our Lord* one thousand, six hundred, eighty *and* two, [to be paid by quarterly payments], of which term there are *now to come* about [eleven] *ten* years *and three quarters of a year* [yet to come and unexpired; Be (*sic*) therefore] *Now* therefore *it is hereby* further *provided and* enacted [and provided], That *by and* out of [such part of] the [said] duty [of subsidy] *and revenue* hereby [granted and appointed to be paid to] *assured to and settled upon* the said Duchess [of Richmond as shall arise at the Custom House in London, the said annuity of one hundred, thirty eight pounds shall be paid to], *there shall in the first place be satisfied and paid, by such person or persons as are hereby appointed to receive the same, unto* the said Richard Seys, his executors, administrators and assigns, *the full yearly sum of one hundred, thirty and eight pounds* [in the first place and preferable to all other payments out of the same, by the said Officers, who shall receive the said subsidy or duty hereby granted, the same to be paid yearly by quarterly payments, to wit] at the four [usual] feasts [of Midsummer, Michaelmas, Christmas and Lady Day] *in the year, that is to say, the Feast of the Nativity of our Lord Christ, the Annunciation of the Blessed Virgin Mary, the Nativity of St. John the Baptist, and St. Michael the Archangel,* by *even and* equal portions [for and] during all the [rest and] residue *yet to come and unexpired* of the said term of twenty years and one half year [granted to the said Richard Seys by the said Duchess of Richmond, yet to come and unexpired], the first payment thereof to *begin and to* be made at [Midsummer Day which shall be] *at the Feast of St. John Baptist* in the year of our Lord one thousand, six hundred, ninety [and two] *three;* and *that he or they, from time to time, as the same shall grow due and pay,*

able, giving or tendering a receipt or receipts for the same, [his or his assigns'] *such* receipt *or receipts* shall be a sufficient discharge [to the said Officers of the Customs for the same], anything in this Act contained to the contrary *thereof* in any wise notwithstanding.

Clause 6 (Clause 6 in Bill of 1691–2).

. . . interest in the said duty [or] *and* subsidy of Alnage . . .
. . . such their payments *a* receipt or acquittance . . .

Parchment Collection. [Brought from the Commons and read 1ª this day (L. J., XV. 217). On 22 Feb., after hearing Counsel at the Bar,* the Bill was read 2ª and committed (MS. Min.; L. J., XV. 243), but the Committee does not appear to have ever met, and the Bill dropped with the Session, though the Commons sent two Messages, on March 4 and 10, to remind the Lords of it. (*Ib.* 274, 283.)]

687. Feb. 7. Osbaston's Estate Act.—Consent of Cecily and Mary Osbaston, widow and daughter of Francis Osbaston, to the Bill for the sale of certain manors, messuages, lands and hereditaments, late the Estate of Francis Osbaston, Esquire, deceased, for the payment of his debts and legacies, and raising 10,000*l.* for the portion of Mary Osbaston, his daughter, chargeable upon the said Estate. *Dated* 12 Jan. 1692–3. [Delivered in to the Committee this day by Sir Wm. Morley, who averred it to be signed by them (Com. Book).† The Bill was brought from the Commons 25 Jan.; read 1ª the next day; Royal Assent 14 March (L. J., XV. 199, 202, 289). No amendments in either House. 4–5 W. & M. c. 23. in Long Calendar.]

Annexed :—

(*a.*) 7 Feb. Consents of Richard Gresham and John Hockley (by his mark). *Dated* 17 Jan. 1692–3. *Witnessed* by B. Poulton and William Kempton. [Read this day in Committee. Com. Book.]

(*b.*) 7 Feb. Consents of William Kempton, John Shelley, John and Ralph Pittman, Katherine Page (by her mark) and Jane Page (by her mark), being persons to whom certain lands are assured by the Bill. *Dated* 28 Jan. 1692–3. *Witnessed* by Wm. Stane, Richard Stane, B. Poulton and Tho. Pittman. [Read this day in Committee. Com. Book.]

688. Feb. 7. Stephens' Estate Bill [H.L.].—Draft of an Act for selling the Estate of William Stephens, late of Greenwich, in Kent. Identical with Act of 1694 (5–6 W. & M. c. 27. in Long Calendar), except in some particulars of the nature of clerical errors. [Read 1ª this day (L. J., XV. 218). The Com. Book contains no record of proceedings except an Order of 10 Feb. (Bp. of Exeter in the Chair) for all persons to attend the next day. The Bill was reported without amendments on the 11th (L. J., XV. 224). In the Commons, after a verbal amendment was made on third reading, the Question that the Bill do pass was negatived by 33 to 32. (C. J., X. 838.)]

689. Feb. 7. Warre *v.* Minshull (In Error).—Petition of Defendant. Petitioner having obtained a judgment in King's Bench for 300*l.* debt on bond, which has been affirmed in Exchequer Chamber, Plaintiff, for vexation and further delay, has brought a Writ of Error. Prays

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* *See* No. **692.**

† The Committee was revived on 6 Feb. for the next day at 9 o'clock. MS. Min.

that a short day may be appointed for hearing. L. J., XV. 218. [The Writ of Error, which was brought in 23 Jan., was withdrawn 14 Feb. (*Ib.* 196, 229.)]

690. Feb. 7. Royal Mines Bill.—Commons' Engrossment of an Act for removing doubts and preventing disputes touching Royal Mines, and that their Majesties may have the Preemption. Identical with Act of 8 Feb. 1693–4 (5 W. & M. c. 6. in Fol. Ed.) except in Sect. ii., where this Bill reads ("fifteen days") instead of ("thirty days") and omits the words ("washed, made clean and merchantable") and reads ("or otherwise that") instead of ("and in default of payment of such respective sums as aforesaid"). *Parchment Collection.* [Brought from the Commons and read 1ª this day. (L. J., XV. 219.) In C. W. H., on 13 Feb., L. Cornwallis in the Chair, the Bill was read through. Title read and postponed. Preamble read. The Clause in the former Act read. *L. C. Baron* [*Atkyns*] was asked whether the Clause in the Statute takes away the King's right in Royal Mines. He cites the case in Plowden.* If the gold and silver extracted out of any mine is of more value than the base metal, it was a Royal Mine. The Judges were of another opinion: that it must be judged to the value. All the lawyers' opinions are: Were the gold and silver, &c. Preamble postponed. House resumed, and progress reported. *Ordered* to be in C. W. H., 16 Feb., and all the Judges to attend. (MS. Min.; L. J., XV. 227.) In C. W. H., on 16 Feb., E. Stamford in the Chair, *the Judges* were heard to the Clause in the former Act, and the Bill was agreed to without amendment,† after a question whether to agree to the Preamble, which was resolved in the affirmative. (MS. Min.) The Bill was reported and read 3ª *eod. die.* (L. J., XV. 232.) Royal Assent refused 14 March. (*Ib.* 289.)]

691. Feb. 8. Lomax *v.* Lomax.—Petition and Appeal of Joshua Lomax, Esq. Appellant's father, the late Joshua Lomax, Esq., settled on his other son Thomas, on his marriage in 1681, a capital messuage and lands called Shenley, in Hertfordshire, of about 170*l.* a year, for life, with remainder to his wife Mary for life for her jointure, remainder in tail to Thomas, with remainder in fee to himself and Anne, his wife, and their heirs. By his Will in 1685 he devised his lands in Bovington and Northchurch to his wife, in trust to sell what she thought fit for paying his debts and legacies, and dispose the rest among his children, failing which disposition, he gave the residue equally to Appellant and his younger brother Thomas for their lives, with remainder by moieties to their sons in tail, and failing male issue, to his daugher Elizabeth and his grandson Henry Appleton and their heirs. By Articles of Exchange made in 1686 between Anne, his widow, and Appellant and Respondents (his younger brother Thomas and Mary his wife), it was agreed that Respondents should convey the Shenley lands to Anne, subject to the same trusts as the other lands were subject to by the Will, and that Anne and Appellant should convey certain parcels of the Bovington estate, to the value of 170*l.*, to Respondents to the like uses as are limited by the marriage settlement of the Shenley estate, and Thomas was to have all the timber of the Bovington estate, worth 1,000*l.* more than that on the Shenley estate, and if Anne at her death should leave 1,000*l.* worth of land

* Plowden's Reports, i. 310–39. Case of Mines, 9–10 Eliz.

† The Bill was amended on third reading in the Commons by making it not to apply to Ireland. C. J., 27 Jan. 1692–3.

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undisposed of, Thomas and his wife were to release all their right therein to Appellant. Anne and Respondents made conveyances in 1687, in pursuance, as is pretended, of these Articles, but in reality of other and more lands and to different uses. In 1691 Appellant and Thomas agreed to divide the timber on the Bovington and Shenley estates equally between them. After Anne's death, Respondents brought a Bill in Chancery against Appellant for specific execution of the Articles, and an account and distribution of the personal estate of his parents. The Lords Commissioners on 29 June last decreed that the Articles should be confirmed and Anne's deed executed by Appellant. This Decree and a subsequent Decree of 6 Feb. inst. upon a Bill of Review are erroneous. Anne had no power under the Will to make such conveyance, being a trustee only for particular purposes, and Appellant, being only tenant for life, should not be forced to execute a deed conveying a fee simple estate. Prays that the Decree may be reversed and Thomas and Mary Lomax ordered to answer. *Signed* by Appellant; *Countersigned* by Wi. Williams and Mich. Newnam. L. J., XV. 220. [The Cause was heard on 23 Feb. *Sir William Williams* (for Appellant) opens the Case. *Sir Thomas Powys* (for Appellant): She did not convey. It was a personal trust in the woman. *Solicitor General* (for Respondent): The Court had a power to do this or nothing, and it is only to enforce Articles performed on our parts. *Mr. Finch* (for Respondent): Conveyances pursuant to the Articles were drawn and executed. *Sir William Williams* heard in reply. Decree affirmed. (MS. Min.; L. J., XV. 245). For further proceedings see Notes to Annex (*b*) below.]

Annexed:—

(*a*.) 11 Feb. 1692–3. Answer of Thomas Lomax. The Articles and Conveyances were drawn by Mr. Appleton, a lawyer, the Appellant's brother-in-law. The Conveyance of the Bovingdon lands was to the same uses as in the Shenley lands. Appellant released all his right to the timber in Bovingdon, but delayed to seal the deed of Bovingdon to Respondent, who thereupon entered and laid out above 3,000*l*., and Anne entered on the Shenley lands and enjoyed them till 1691, when she died intestate. On the contest between Appellant and Respondent for letters of administration, they agreed that Appellant should seal the deed of Bovingdon and Northchurch which Anne had sealed, and have the Shenley and other lands of 192*l*. 5*s*. 0*d*. a year, and the other lands of Bovingdon and Northchurch of 186*l*. a year, which were not comprised in Anne's conveyance; that Shenley manor and woods should be equally divided between them, and the timber on the three estates valued and allowed for by him that had most; that the naming of Austin's House in Anne's deed of the Bovingdon lands, instead of Whites in the Articles (representing the excess in the exchange of lands, alleged in the Appeal), should be no difference; that Respondent should have his share of the personal estates, and that the agreement should be confirmed in Chancery. On these terms Appellant obtained letters of administration, and possessed himself of all the personal estates, which done, he refused to seal the deed, or account to Respondent for his share of the personal estate. Prays that the Appeal may be dismissed, as oppressive, with costs. *Unsigned* by Respondent. *Countersigned* by Jam. Stedman. *Endorsed* as brought in this day.

(*b*.) 25 Nov. 1693. (Appeal lately depending.) Petition of Appellant. The Decree in Chancery, which has been affirmed by the House, is inconsistent with itself and cannot be performed

unless explained by their Lordships, the former part ordering Conveyances to be executed pursuant to the Articles of Exchange and Agreements, and the latter part directing Appellant to surrender to the Respondent Thomas and his heirs absolutely all the Bovington lands, as well those which were to be exchanged as the others, which were only to be divided by the Will and Agreement, and by the Decree, which is for a larger estate than agreed by the Articles or prayed by Respondent in his Bill. By the said Decree Respondent and Appellant were mutually to execute conveyances, and Respondent was to account for the moiety of their father's personal estate; but the Lords Commissioners and the Court of Chancery since have restrained and altered that part of the Decree, by ordering a suspension of all acts decreed to be done mutually by Respondent and Appellant, and requiring the latter fully to perform all things on his part, and then Respondent to do what the Court of Chancery shall direct. Prays that the Decree may be explained in these matters, and to have the benefit of the Decree so far as is consistent with their Lordships' affirmance. *Unsigned* by Appellant. *Countersigned* by Mich. Newnham and Thomas Price. L. J., XV. 307. [Counsel for both sides were heard on this Petition on 9 Dec. *Sir William Williams* (for Petitioner): The Decree is inconsistent. By the Decree there are Articles between them. The limitation has a reference to the Articles preceding. The Decree says those Articles are to be executed on both sides. The other part of the Decree says that my client shall surrender the copyhold estate. The inconsistency is this, of conveying the copyhold estate contrary to the Articles. Speaks to the subsequent Order in March last. The Order is contrary to this whole matter. *Mr. Price* (for Petitioner): Here is a reciprocal Decree to be performed, and yet by this Order we are set at liberty. *Counsel* withdraw. *Moved* that they may not be let into the inconsistency of the Decree, which is affirmed. The House having affirmed the Decree, they ought not to be heard to it. *Counsel* called in and told that they are confined only to the subsequent Order in Chancery, and to showing how it is inconsistent. *Mr. Price* is heard. The Order complained of is read. *Mr. Stedman* (for Thos. Lomax): This Order is very regular. We have prosecuted to a commitment, and we come to the Court, and he has possessed that estate. We tell the Chancery how much we are grieved. We offer to be examined and do what the Court thinks fit, and this is to hinder us from the deeds and estate. *Sir Thomas Powys* (for Thos. Lomax): This Order is made only to have the matters confirmed according to the Decree. The younger brother has executed his part. He has had our estate; he has got a rehearing, and set up a new Bill by the tenant and borne all the suit. Five orders to commit him to the Fleet, and then he appeals. *Counsel* withdraw. Petition dismissed with 50*l.* costs, and Counsel who signed it, to attend on the 11th inst.—On 11 Dec. *Mr. Price* and *Mr. Newnham* were reprimanded by the Speaker for signing the Petition, and submitted and asked pardon of the House. (MS. Min.; L. J., XV. 318, 319.)]

692. Feb 8. Alnage (Customs Collection) Bill.—Petition of Frances, Duchess Dowager of Richmond and Lenox, and others, Farmers of the ancient Duties of Subsidy and Aulnage on Woollen

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Manufactures under the said Duchess and her trustees. Petitioner the Duchess has a legal right and title, in consideration as well of marriage as by purchase, to the duties for a long term of years yet to come, under a yearly rent payable to the Crown, and the other Petitioners are Farmers of those duties under the Duchess for a great fine and other valuable considerations and a great yearly rent for part of the said term. A Bill has been sent up from the Commons for taking away those duties and for laying rates on such part only of the woollen manufacture that shall be exported, as satisfaction for the duties so abolished. Petitioners' petition to the Commons to be heard against the Bill as to the point of compensation was rejected without a reading. Pray to be heard by Counsel at the Bar against the Bill, the rates being in no wise an adequate compensation. *Signed* by the Duchess and also by John Eyles, Joh. Hayes and A. Stephens. [Read this day and Counsel ordered to be heard on the 13th. (L. J., XV. 220.) Counsel were heard at the Bar on this and the annexed Petition on the 22nd (*ib.* 243). *Sir William Thompson* (against the Bill)*: It has been an ancient right of the Crown these 300 years. This was worth 5,000*l.* per annum. *Sir Thomas Powys* (for Duchess of Richmond against the Bill): They have ordered no officers to receive this at the Custom House. There is no fee for such officer, nor any way for us to come at it but by infinite suits. *Mr. Ward* (for the Farmers against the Bill): She has made a good estate to these men. *Sir William Williams* (for the Merchant Exporters against the Bill) is heard. *Mr. Crispe*, Common Serjeant (for Merchants against the Bill) is heard. *Mr. Darnell* (for the Bill): We make no doubt but there is a duty of Alnage and the Duchess has a right to it, and yet we hope to answer it all. The Customs will not be at an end. There are many thousands oppressed in this case. There is 2,000*l.* added by this Bill to the duty of Alnage. *Sir Bartholomew Shower* (for the Bill †): The Collectors spend great sums in the country. It is for the benefit of the King to have it at the Custom House. The King's interest is preserved. The Duchess will have a greater interest than now. There is 800*l.* or 900*l.* per annum more than the Farmers make of it. Counsel against the Bill heard in reply. *Edward Cooke*, *Nicholas Harding* and *Tho. Lowe* sworn to the truth of the Papers delivered, as an account of the Custom House and the account of the Farmers. Counsel withdrew, and the Bill was then read 2ª and committed to a Select Committee. (MS. Min.; L. J., XV. 243.) There is no record in Com. Book of the Committee having met. The Bill dropped with the Session, though the Commons sent two Messages on March 4 and 10 to remind the Lords of it. (*Ib.* 274, 283.)]

Annexed:—

(*a.*) 13 Feb. Petition of divers Merchants, Exporters of Woollen Manufactures, on behalf of themselves and others. The subsidy and duty of Alnage is by the law expressly imposed on the maker of cloth or first seller, as appears by the several statutes relating thereunto, and no other person is by those statutes made liable to pay it. The Bill to transfer that duty to the Custom House, there to be paid by the Merchants, imposes a new tax on Petitioners and, contrary to the rules of trade, clogs the export and eases the home consumption. The exportation of woollen manufactures, which constitutes the greatest part of the trade and wealth of the Kingdom, has much decayed of late

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* *See* No. **686.**

† On behalf of the Clothiers. L. J., XV. 243.

years, as our neighbours undersell us in foreign markets. They will do so much more if the manufactures exported are burdened with greater duties. Pray that no additional duty may be imposed on the exportation of woollen manufactures, and to be heard by Counsel against the Bill. *Signed* by the following:—

W. Gore.	John Buckworth.	Mark Winn.
Walter Kent.	A. Goodyeare.	Tho. Niccolls.
Will. Crowch.	Edmd. Prideaux.	Tho. Uvedale.
Tho. Shepard.	John Wood.	Jacob Delillers.
Edw. Des Bouverie.	John Pouldon.	Geo. Walcott.
Wm. Pococke.	Alexr. Jacob.	John Turner.
Roger Jones.	John Skinner.	Charles Peers.
Fran. Boynton.	J. Huskin Stiles.	Richard Young.
Jeremy Elwes.	Henry Kiffin.	Charles Price.
Richard Bancke.	Thomas Hunt.	Ed. Vernon.
John Bludworth.	P. Burrell.	Cha. Balle.
Edward Brown.	Wm. Des Bouverie.	J. Hopegood.
Peter Van Sittart.	Thomas Carbonnel.	John Morgan.
Tho. Wethered.	Will. Scawen.	Wm. Upton.
Wm. Kiffin.	Thomas Axton.	James Blake.
Bedingfd. Heigham.	Tho. Death.	Franc. Eyles.
Nehemiah Lyde.	Hugh Strode.	Nathl. Gould.
Pr. Houblon.	Tho. Strode.	Peter Delmé.
Michael Godfrey.	James Dolliffe.	Edw. Salwey.
Tho. Hartopp.	Richd. Holder.	John Godschall.
Tho. Palmer.	John Boyd.	Timothy Larmey.
John Emilie.	Willm. Raphe.	George Treadway.
Will. Benson.	Wm. Hamond.	John Whalley.
Dan. Wigfall.	Fra. Gosfright.	Richard Nicoll.
Robt. Raworth.	Nicholas Cooke.	Richard March.
Robert Bodington.	Wm. Hedges.	Jn. Carbonnel.
Samuell Foote.	John Deleau.	

693. Feb. 8. Outlawries Bill—Corrected * Draft of an Act for the relief of the Subject against vexatious arrests upon Outlawries and Writs of Quo minus.

§ i. Whereas divers persons have been unjustly vexed and oppressed by undue and irregular prosecution to the outlawry and by being arrested upon the writ or process commonly called a Quo Minus out of the Court of Exchequer. For remedy whereof Be it enacted by the King and Queen's most Excellent Majesties, &c., That from and after

all sheriffs and other officers and ministers of Justice to whom the execution of any writs or process doth belong or appertain, shall let out of prison all manner of persons by them or any of them arrested or being in their custody by force or virtue of any writ of Capias utlegatum for any utlary upon any process to answer to any personal or popular action, indictment or information, for any offence or crime (except treason, felony, misprision of treason, misprision of felony and Prœmunire), upon reasonable sureties of sufficient persons to appear at the day and place of return of the said writ of Capias utlegatum; And if any Sheriff or other Officer or Minister do return upon any person Cepi corpus, then he shall be chargeable to have the body of such person at the day of the return of the said writ in such form and

* The alterations in Clauses iii. and iv., shown by italics for additions and square brackets for omissions, are evidently corrections, not amendments, as nothing was done in C. W. H. on the Bill beyond reading it through. (MS. Min., 10 Feb.)

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manner as he should have been if he had returned Cepi corpus upon any mesne process before the making of this Act.

§ ii. And be it further enacted by the authority aforesaid, That all and every person or persons so outlawed upon mesne process in any personal action, shall be admitted to appear by Attorney to reverse such outlawry, he or they having first put in sufficient bail to prosecute the reversal of the said outlawry and to appear in a new action, to be commenced by the plaintiff for the cause mentioned in the first Action, and also to pay the condemnation, if the plaintiff shall commence his suit against him before the end of the next Term after the reversal of such outlawry, and also to pay such costs as the Court shall think fit to assess for the charges and expenses which the plaintiff was put to by prosecuting him or them to the outlawry.

§ iii. And be it further enacted by the authority aforesaid, That all and every person and persons that shall be outlawed upon [mesne] process [sued upon] *to answer to* any Indictment or Information (except as is before excepted) he or they may appear by his or their Attorney to assign Errors to reverse such outlawry, he or they first putting in bail in some reasonable sum to prosecute his or their Writ of Error with effect; and after the reversal of the said outlawry, if he or they do not confess or demur to the said Indictment or Information to plead thereunto and to try it at his or their costs and charges, if the matter be tryable in London or Middlesex, before the end of the next Term, and if the matter be tryable in any other County, at the next Assizes after the reversal of such outlawry.

* § iv. And *whereas Writs of Quo Minus, issuing out of the Court of Exchequer, have been oftentimes abused by Attorneys and Solicitors, by insisting upon great bail where no bail by law is required, the said Writs being general and not expressing the cause of Action.* Be it further enacted by the authority aforesaid, That from and after *the said first day of Easter term,* if any person or persons be arrested by any writ or process called a Quo Minus issuing out of their Majesties' Court of Exchequer, That the certainty or true cause of action shall be expressed in the said writ or process, and in default thereof the party or parties so arrested shall not be compelled to give security or to enter into bond with sureties for his or their appearance at the day or place in such writ or process mentioned or contained in any penalty or sum of money exceeding the sum of forty pounds, conditioned for such appearance, but upon giving such security, the person or persons so arrested shall be discharged out of custody, and his or their appearance by Attorney at the day or place in such writ or process mentioned or contained shall be a sufficient discharge of such bond without putting in any bail. [Read 1ª this day. L. J., XV. 221.) Dropped, after being read through in C. W. H. on 10 Feb.† (MS. Min.; L. J., XV. 223.)]

694. Feb. 10. E. Gainsborough *v.* Countess Dowager of Gainsborough.—Petition and Appeal of Baptist, Earl of Gainsborough, an Infant of about 7 years (by Dame Susanna Noel, widow, his mother and guardian), and John Noel, Esq. Wriothesly Baptist, late E. Gainsborough, being seized in fee from his father of certain lands in Gloucestershire, Rutland and Middlesex, worth about 5,000*l.* a year, by his Will in 1690

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* This Clause was added to the King's Bench (Malicious Informations) Bill in C. W. H. on that Bill. *See* No. **701.**

† The endorsement states as follows: "2ª vice lecta, 10 Feb. 1692. Committed, and upon debate, House resumed and the House went on the other Bill of Outlawries in a Committee of the Whole House." *See* No. **701.**

devised all the lands descended to him from his father and grandfather, (subject to annuities to several of his servants and 5,000*l.* to his sister, charged on the Rutland lands, and half a year's wages to his other servants), to Appellant, the Earl, in tail male, remainder to John Noel in tail, remainder in fee to his two daughters, and charged the Rutland lands also with all his debts at the time of his death, and soon after died possessed of a personal estate of above 10,000*l.*, and indebted about 20,000*l.*, leaving above 2,000*l.* a year inheritance to descend to his two daughters. Respondent proved the Will without making any claim to the personal estate otherwise than as Executrix, but in 1691 brought a Bill in Chancery * against Appellants for the personal estate, suggesting that Testator's lawyer had omitted, by fraud or negligence, to insert in the Will a devise of it to her, and praying that the debts might be paid out of the real estate in Rutland. Appellants answered that, besides the annuities and the 5,000*l.* and such of Testator's debts as his personal estate would not suffice to pay, the premises devised to them were subject to a rent-charge of 2,000*l.* a year to Respondent for life, and 400*l.* a year to one Mr. Boyle in fee, that the two daughters also claimed 200*l.* a year for maintenance till the age of 12, and afterwards 400*l.* a year till 18, and 15,000*l.* for their portions, that, even if the personal estate were in the first place applied towards payment of the debts, little of the real estate would remain, and that no averment, foreign to the Will in writing, ought to be allowed to impeach it. The Lords Commissioners on 28 Jan. last decreed the real estate to be charged in the first place with the legacy and debts, the residue wanting, if any, to come out of the personal estate, and that Respondent should be reimbursed what she should pay Testator's creditors out of the lands devised to Appellants, but pay Testator's other legacies and funeral charges out of the personal estate. Pray that this Decree may be reversed and Respondent ordered to answer. *Signed* by Appellants; *Countersigned* by J. Somers and T. Vernon. L. J., XV. 223. [The Cause was heard on 27 Feb. *Mr. Ward* and *Mr. Finch* heard for Appellant, and the *Solicitor-General* and *Sir Thomas Powys* for Respondent. Several Depositions read. Counsel withdrew and the Speaker reported. Statute of Frauds and Perjuries read. Judges asked whether there is any latitude, contrary to the Statute, for personal estate? *Holt, C. J.:* I am of opinion, before this Statute, it did not (*sic*). *Treby, C. J.:* I am of the same opinion. *Eyre, J.:* There is no difference between a Will for lands and personal estate. [*Atkyns*], *C. B.:* As for the point in law, I am of the same opinion with my Brethren, and for this case, it binds in equity as well as law. After debate, *Counsel* were called in, and told; and they were told that the Depositions must be read, which were read before. Newsham's Deposition read. Depositions of Jones, J. Baker, Dr. Ratliffe and J. Milborne read. After debate, Decree affirmed. (MS. Min.; L. J., XV. 252.)]

Annexed :—

(*a.*) 17 Feb. Answer of Catherine, Countess Dowager of Gainsborough (signs Cath. Gainsborrough). Testator's personal Estate was only about 5,000*l.*, and he directed his lawyer specifically to devise it to Respondent (a sufficient fund being provided by the Will for payment of all his just debts), subject to certain legacies and funeral expenses, amounting in all to 1,128*l.* 6*s.* 4*d.* Testator's debts were about 15,500*l.* Appellants endeavoured to induce several of the creditors to lay their debts on the

* *See* 2 Vernon 252.

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personal estate, thus stripping Respondent thereof. The Decree is just and consistent with Testator's intention, his debts being charged on the Rutland lands, which went to Appellants. Prays that the Appeal may be dismissed. *Signed* by Respondent. *Endorsed* as brought in this day.

695. Feb. 10. Quarter Sessions (Writs of *Certiorari*) Bill.—Commons' Engrossment of an Act to prevent the delay of proceedings at the Quarter Sessions of the Peace. The text of this Bill is printed below in Roman type. The corresponding Sections of the Act of the following Session (5–6 W. & M. c. 11. Fol. Ed.) omit the words included in square brackets and add those in italics, viz.:—

Clause 1. (Sect. i. of Act.)

Whereas it is experienced that, notwithstanding the Statutes made in the one and twentieth year of the reign of King James the First, and in the *thirteenth and* fourteenth [year] *years* of King Charles the Second, concerning the granting of Writs of Certiorari, to remove Indictments of riot, forcible entry, assault and battery and [about the enlarging and amending of highways and bridges] *other Presentments and Indictments* out of the Courts of the General or Quarter Sessions of the Peace [of] *in* the Counties or places [in which] *wherein* such Indictments [and proceedings thereupon] have been found [or] *and proceedings thereupon* recorded, into their Majesties' Court of King's Bench, divers turbulent, contentions, lewd and evil-disposed persons, fearing to be deservedly punished where they and their offences are well known, have not only obtained Writs of Certiorari for removing such Indictments found against them as aforesaid, but also [upon false suggestions and surmises, and for want of true copies of such Indictments first showed to the Courts or persons by whom such Certioraris are granted, do frequently procure Writs of Certiorari to the said Justices of the Peace directed to remove Indictments of those and] *Indictments for* sundry other trespasses, frauds, nuisances, [forgeries, perjuries, extortions, unlicensed alehouses and other] contempts and misdemeanours [out of the said Courts of Sessions of the Peace into the said Court of King's Bench often] after issue joined, and [when] the Prosecutors [are] ready attending with their Counsel and witnesses to try the same before the said Justices of the Peace in their said Sessions [of the Peace, on purpose to weary out the Prosecutors, well knowing that few or none will undergo the travel or charge of prosecution of such Indictments so removed by bringing the parties so indicted to trial], to the [intolerable trouble and vexation] *great discouragement* of the Prosecutors and [discouragement] of such Constables and [others who] *other officers as*, according to their duty, present persons for those and such like [trespasses], offences, *trespasses* and misdemeanours, [whereas the offenders might have and receive due and equal justice of the Justices of the Peace in the counties and places where the Indictments are found, but by means of removal thereof as aforesaid, such offenders for the most part escape unprosecuted and unpunished, and the King loseth the fines which ought to be and should have been imposed upon their conviction, if such Indictments had been prosecuted and not removed]; For remedy whereof, and that such offenders may be brought to condign punishment; Be it [therefore] enacted by the King and Queen's Most Excellent Majesties, &c., That *in Term time* no Writ of Certiorari whatsoever *at the prosecution of any party indicted* be *hereafter* granted, awarded or directed out of the said Court of King's Bench [or otherwise] to remove any *such* Indictment or Presentment of trespass, [assault and battery, riots, unlawful assemblies, misdemeanours, crimes and contempts whatsoever, or any order or proceedings relating thereunto,] *or misdemeanour, before trial had,* from before the said Justices [of Peace] in the said Courts of [Quarter Sessions or Courts of General] *General or Quarter* Sessions of the Peace, unless [a true copy of such Indictment, Presentment, order or proceedings be first taken out, that the nature and matter thereof may be known, and unless] such Certiorari shall be granted or awarded upon motion of Counsel [thereupon] and by Rule of Court made for the granting thereof, before the Judge or Judges of the said Court of King's Bench sitting in open Court, [and unless such motion, and by whom made, be mentioned to be made on the back of the Writ and Writs of Certiorari,] and that [when any Certiorari shall be granted on the behalf of the party or parties indicted, he, she or they shall] *all the parties indicted, prosecuting such Certiorari,* before the allowance thereof, [appear according to all and every Recognizance or Sessions process for their appearance at the said Quarter or General Sessions, and shall then and there also show the copy of such Indictment, Presentment or order, upon which

the motion for granting the Certiorari was made, and become bound unto such person and persons which shall prosecute and present or exhibit such Presentment or bills of Indictment against them] *shall find two sufficient Manucaptors, who shall enter into a Recognizance before one or more Justices of the Peace of the county or place,* in the sum of twenty pounds, [with such sufficient sureties as the Justices of Peace at their Quarter or General Sessions of the Peace shall think fit], with condition [to pay unto the said Prosecutors of such Bills of Indictments and Presentments, within one month after the conviction of such parties indicted, or any of them, such reasonable costs and damages as the said Justices of Peace of such counties or places where such Bills of Indictments or Presentments shall be found, in the said Sessions of Peace shall assess or allow; and that in default of any of the premises, it shall be lawful for the said Justices of the Peace to award and make out process against all persons so indicted or presented, and to proceed against them to trial, execution or otherwise upon the said Indictments in such like manner and form to all intents and purposes as they, the said Justices of Peace, should or might have done if such Writ or Writs of Certiorari had never been granted, had or made, any such Writ or Writs of Certiorari, or allowance thereof, or any of the said recited Statutes or other law, statute, custom, usage or other matter or cause to the contrary in any wise notwithstanding,] *at the return of such Writ to appear and plead to the said Indictment or Presentment in the said Court of King's Bench, and at his and their own costs and charges to cause and procure the issue that shall be joined upon the said Indictment or Presentment, or any Plea relating thereunto, to be tried at the next Assizes to be held for the County wherein the said Indictment or Presentment was found, after such Certiorari shall be returnable, if not in the Cities of London, Westminster or County of Middlesex; and if in the said Cities or County, then to cause or procure it to be tried the next Term after, wherein such Certiorari shall be granted, or at the sitting after the said Term, if the Court of King's Bench shall not appoint any other time for the trial thereof; and if any other time shall be appointed by the Court, then at such other time, and to give due notice of such trial to the Prosecutor, or his Clerk in Court; and that the said Recognizance and Recognizances, taken as aforesaid, shall be certified into the said Court of King's Bench, with the said Certiorari and Indictment, to be there filed, and the name of the Prosecutor (if he be the Party grieved or injured), or some public Officer, to be indorsed on the back of the said Indictment; and if the person prosecuting such Certiorari, being the Defendant, shall not, before allowance thereof, procure such Manucaptors to be bound in a Recognizance as aforesaid, the Justices of the Peace may and shall proceed to trial of the said Indictment at the said Sessions, notwithstanding such Writ of Certiorari so delivered.*

Clause 2. (Sect. iii. of Act.)

Provided always and be it enacted *by the authority aforesaid,* That [only between Trinity and Michaelmas Terms yearly, and not otherwise] *in any of the Vacations,* Writs of Certiorari may be granted by any [Judge] *of the Justices* of their Majesties' Court of King's Bench, [or others used to grant the same, upon sight of a copy of any Indictment of trespass, order or proceedings, which shall be taken or made before any Justices of Peace in such their Quarter and General Sessions of Peace only, which shall happen to be held between the said Trinity and Michaelmas Terms yearly, and not otherwise; and that the name of the Judge or other granting such Writ or Writs of Certiorari, and the day the same is granted, be endorsed thereupon] *whose names shall be endorsed on the said Writ, and also the name of such person at whose instance the same is granted,* [but] *and* that the party or parties indicted, *prosecuting such Certiorari,* shall, before the allowance of such Writ or Writs of Certiorari, [appear according to all and every Recognizance or Sessions process for their appearance at the Sessions of the Peace as aforesaid, and become bound to the Prosecutors] *find such Sureties,* in such sum and with [like sureties and under] such conditions as [aforesaid] *are before mentioned and specified in this present Act.* [And that in default of any of the said premises, it shall be lawful for the said Justices of the Peace to award and send out process, and to proceed against every person and persons indicted to trial, execution and otherwise in such like manner and form, to all intents and purposes, as the said Justices should or might have done if such Writ or Writs of Certiorari last mentioned, had not been granted, had or made, the said Writ or Writs of Certiorari last mentioned, or the allowance thereof, or any statute, custom, usage or other matter, cause or thing whatsoever, to the contrary in any wise notwithstanding.]

Parchment Collection. [Brought from the Commons this day; read 1ª the next. (L. J., XV. 223, 225.) The Clerks of the Crown Office

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having petitioned against the Bill,* Counsel were ordered to be heard on 18 Feb. (*Ib.* 234.) No further proceedings. The Bill dropped with the Session, though the Commons sent a message on 28 Feb. to remind the Lords of it. (*Ib.* 253.)]

696. Feb. 11. Mainstone *v.* Mainstone.—Petition and Appeal of John Mainstone, Gent. Petitioner's late uncle, William Mainstone, of Woodberry Hall, Cambridgeshire, on his marriage with Penelope, Sir Thomas Jones' youngest daughter, with whom he was promised a portion of 600*l.*, settled upon her the manor of Woodberry, worth 600*l.* a year, which he had purchased from the late Sir John Jacob, Bart., with intent that it should come to Petitioner, if there were no children. Penelope and her friends, however, induced him to give a bond of 10,000*l.* to Sir Thomas, on 19 Jan. 1673, conditioned to leave to her, if she survived him, a real or personal estate, or both, of the value of 3,000*l.* He died intestate, leaving a personal estate of 1,200*l.* and a real estate much encumbered. Petitioner being then an infant, administration was granted to William Clough, Esq., who possessed himself of the personal estate. In 1688 Sir Thomas and Penelope brought a Bill in Chancery against Petitioner, the mortgagee, and Clough, praying for satisfaction of the bond by a sale of the real estate, and alleging that Mainstone could not at the time of the bond make a settlement upon his wife, by reason of an extent due from Sir John Jacob to Charles II., and other incumbrances. Petitioner then brought a Bill against Penelope, Clough and others, for a discovery and account. On 26 Nov. 1689 the Lords Commissioners, although the marriage portion was never shown to have been paid, and the extent was paid off by Mainstone after the settlement, which payment should protect the real estate against the bond, decreed to Penelope the 3,000*l.* in full, with interest out of the manor at 6 per cent. from her husband's death, computed to 1,305*l.*, the manor to be sold for payment thereof and of Mainstone's debts, and of 1,100*l.* to Clough, and dismissed Petitioner's Bill barely on Penelope's and Clough's offering to be examined on Interrogatories. Petitioner, the heir-at-law, will thus be left not 500*l.* to support himself and family, his uncle's debts being about 8,000*l.*, besides the extent and Penelope's claims. The Court have decreed above 4,300*l.* to be paid her in consideration of 600*l.* not proved to be paid, and 1,100*l.* to Clough, though a great part thereof is but debt on simple contract. Although in some cases Courts of Equity have decreed a just bond debt to be paid out of a real estate, they have never charged a real estate with the payment of a book debt, such as that of Clough. Prays that the Decree and Dismission may be reversed, and proceedings stayed, and Penelope and Clough ordered to answer. *Signed* by Appellant; *Countersigned* by Wm. Whitelocke and Tho. Goodinge, who certify that Petitioner has just cause to appeal. L. J., XV. 224. [The Cause was heard on 2 March, *Mr. Ward* being heard for Appellant, and *Sir Thos. Powys* for Respondents. Decree affirmed, with 40*l.* costs. (MS. Min.; L. J., XV. 256.)]

Annexed:—

(*a.*) 17 Feb. Answer of Penelope Mainstone, Widow. Respondent's father was the late Chief Justice, and her late husband was a merchant in the East Indies, who married her on his return. The portion was duly paid to him, and he entered voluntarily into the bond, by which he promised to leave a real

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* *See* No. **706.**

estate worth 3,000*l.* to her and to their children, if any, two-thirds of the rest of his estate at death, if she survived him, and if not, two-thirds of his entire estate. He afterwards mortgaged the lands for 6,000*l.* for 500 years, leaving the reversion in fee to himself, and having no children, he intended his real estate should be sold to pay his debts, and that Respondent should have the rest in recompense for her portion, and accordingly, by his Will of 10 March 1681, devised to her all his real and personal estate and made her his Executrix, but before executing it as required by the late Act he died, and administration was granted to Clough, one of his creditors, who possessed the personal estate, and the mortgagee entered on the real estate. Respondent's husband, finding on his return to England that his brother was dead, having married a servant maid, by whom he left a son, the Appellant, and that Appellant's mother was married again to a country tailor, maintained Appellant as an act of charity and apprenticed him to a chirurgeon in Cambridge, but so far from intending to leave him his estate, he gave him only 200*l.*, half to be paid him when he was free of his trade, and the rest when he married and set up. On his death, Appellant left his master before serving his time, and by agreement with the mortgagee, entered into the lands and took profits amounting to above 2,000*l.*, without paying anything to the creditors. Respondent, not having received a penny out of her husband's estate since his death, brought her Bill for an account and satisfaction of the bond. Appellant submitted to the Decree by contracting for sale of the estate for 12,500*l.*, and agreed that the 11,942*l.* 12*s.* 3*d.*, reported by the Master, should be paid out of the purchase money, and the rest paid to himself, with which arrangement he declared himself content. Prays that the Appeal, which is frivolous and vexatious, may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Tho. Powys. *Endorsed* as brought in this day.

(*b.*) 17 Feb. Answer of William Clough, Esq. Appellant's uncle induced Respondent to become bound with him for debts amounting to above 700*l.*, but died before anything was paid. Respondent was forced to administer his estate, as Penelope declined to do so. Respondent was examined on Interrogatories, and gave a full discovery and account, and the Master reported 84*l.* 16*s.* 11*d.* due to him out of the real estate, which sum is not for any book debts or debts on simple contract, as pretended. Appellant has already had far more out of the estate than he was entitled to. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Tho. Jones. *Endorsed* as brought in this day.

697. Feb. 13. Danby's Estate Act.—Consent of Joseph Danby, Esq., to the passing of a Bill for the settling a Jointure on the wife of Anthony Danby, Esq., and for making provision for his brothers and younger children, and for payment of his debts. *Dated* 18 Dec. 1691. *Attested* by Robt. Laton, Thomas Cust, and William Danby. [Read in Committee this day. (Com. Book.) The Bill was brought from the Commons 17 Jan., and read 1ª on the 26th; Royal Assent 14 March. (L. J., XV. 187, 202, 289). 4–5 W. & M. c. 25. in Long Calendar.]

698. Feb. 14. Sir E. Smith *v.* Welch.—Petition and Appeal of Sir Edward Smith, Bart., and Edward Smith and others. Thomas

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Pepys, Esq., under whom Petitioners claim, being seized in fee of Merton Abbey House and certain lands on both sides of the river of Merton Abbey, and also of three mills called Merton Mills and the stream, with all rights of fishing, &c., leased the mills on 10 May 1669 to the late Jonathan Welch for 51 years at 50*l.* a year rent. The inheritance of the premises and the rent reserved upon the lease came to Petitioners, who, with all those under whom they claim, have time out of mind enjoyed the rights of fishing, making erections, &c., so far as their lands extended, so as the same did not hinder the stream coming to the mills. Respondents alleging that a stone bridge over the water and an engine for catching fish, both of which were there when the lease was made, obstructed the stream, Petitioners removed both at their own expense, and afterwards built a small mill of their own a quarter of a mile from the said three mills. Thereupon Respondents in 3 Will. & Mary brought an English Bill in the Exchequer to hinder their building the new mill, pretending they had lost the original lease, and praying that a copy might be taken as evidence. The Court, on 30 May last, ordered an Issue to be tried at the Surrey Assizes whether Respondents were damnified. A verdict having passed for them with 60 marks against the Petitioner, Edward Smith, who was ordered to take the whole defence upon him, the Court on 26 Jan. last decreed the new mill to be pulled down and an injunction to issue against building in the future. The Issue directed ought to have been, whether enough water was left for the old mills, after building the new one. Pray that the Order and Decree may be reversed, and Jonathan and Joseph Welch ordered to answer, and that proceedings may be stayed. *Signed* by above-named Appellants; *Countersigned* by Tho. Trevor and J. Smith. L. J., XV. 228. [The Cause was heard on 3 March. *Mr. Ward* (for Appellant) opens the Case. There were ancient erections in the river, which were pulled down. *Solicitor-General* (for Appellant) is heard. *Sir Bartholomew Shower* (for Respondent): We had a verdict; then they would have a new trial. The Court gave it them on the same issue, but that they would not do. *Mr. Finch* (for Respondent): We are hindered from using as much water as we had before. *Counsel* for Appellants heard in reply. Decree affirmed. (MS. Min.; L. J., XV. 272.)]

Annexed :—

(*a.*) 21 Feb. Answer of Jonathan Welch and Joseph Welch. Respondents' late father was possessed for a long term of years of the Three Mills, one of them being a Brazeile Mill, another a Cullin Mill and a third a corn Mill, under a lease from one Ellis Crispe, deceased, and spent large sums in repairing them. Crispe afterwards conveyed the reversion to Pepys, at whose instance Respondents' father surrendered his old lease and took a new one. The reversion and rent belong to the Appellant Edward Smith. Appellants, under pretence of erecting a small eel-gin, made preparations for building a fulling or other mill, which would obstruct the stream to the prejudice of Respondents, who have laid out at least 4,000*l.* on their mills. The issue was tried by a special jury of gentlemen of quality, and proof was given that Respondents, in consequence of the new mill, could not grind so much by at least 7 cwt. of log-wood a week, at 5*s.* a hundred, as they did before. The new mill does not stand on the sight of the former bridge, or nearly as far from Respondent's mills as is pretended. Pray that the Appeal may be dismissed with costs, and that proceedings may not be stayed. *Signed* by Respondents; *Countersigned* by Sam. Dodd and Rich. Turner. *Endorsed* as brought in this day.

(*b.*) 21 Feb. Petition of Respondents for a day for hearing. L. J., XV. 241.

(*c.*) 2 March. Petition of Respondents for an earlier day for hearing than the 9th inst. L. J., XV. 256.

699. Feb. 14. Bishopric of London (Fulham Estate) Act.—Amended Draft of an Act for exchanging of several small parcels of land in the parish and manor of Fulham, belonging to the Bishopric of London, and part of the Bishopric of London, for other lands of the like value to Charles, Earl of Monmouth and his heirs. The Lords' Amendments, so far as material, were to insert in the spaces left blank the names of the trustees,* the situation of the lands to be exchanged,† and the names of those who were to approve of them; to omit in the trust a part directing the trustees, after the exchange should be effected, to convey the premises to the Earl, and to add a provision requiring them to lease them, as the Bishop should direct (Sect i.); to fix three years as the period for the Earl to convey other lands in exchange (Sect. iii.), and to add the Clauses corresponding with Sections v. and vii. [Read 1ª this day (L. J., XV. 228). Amended in Committee‡ on Feb. 22 (E. Rochester in the Chair) and Feb. 23 (E. Stamford in the Chair). The Commons' two Amendments (C. J., X. 841) are purely verbal. Royal Assent 14 March (L. J., XVIII. 289). 4–5 W. & M. c. 38. in Long Calendar.]

Annexed:—

(*a.*) 23 Feb. Draft, marked ✠, altering the terms of the trust in Sect. i. by substituting the words from ("Upon the trust following") to the end of the Section. [Agreed to in Committee 22 Feb. (Com. Book), and reported this day (L. J., XV. 246).]

(*b.*) 23 Feb. Amended Draft of Clause, marked A, empowering the Bishop to let Great Hurlingham Field for building. As amended, it forms Sect v. of the Act. [Agreed to in Committee 22 Feb. (Com. Book) and reported this day (L. J., XV. 246).]

(*c.*) 23 Feb. Amended Draft, marked B, of two Saving Clauses. The first of these, a general Saving Clause, forms Sect. vii. of the Act; the second, which relates to Hellbrooke Common, and forms Sect. viii., is a redraft of the last Clause in the Bill. [Agreed to in Committee and reported this day. (Com. Book; L. J., XV. 246.) In Committee this day Mr. Robert Limpeny, John Plucknet and John Storer informed the Committee that they had had a vestry, and desired the drawing of the Hellbrooke Clause,§ as being for the advantage of the poor. (Com. Book.)]

700. Feb. 14. Duchy of Cornwall Bill.—Commons' Engrossment of an Act to enable their Majesties to make grants, leases and copies of offices, lands and hereditaments, parcel of their Duchy of Cornwall, or annexed to the same, and for confirmation of leases and grants already made. Identical with the previous Bill (No. **562**) except in some verbal particulars, and in the following passages, where the

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* The trustees first proposed were the Bishop of London, the Dean of St. Paul's, and the C. Justice of the King's Bench (Com. Book, 22 Feb.).

† Inserted in lieu of the original words ("to be situate and being within the City of London or within (*blank*) miles of the same").

‡ Com. Book of dates, where it is described as E. Monmouth's Bill.

§ A Clause empowering the Court Baron to make bye-laws for draining, &c. Hellbrooke Common was in the original Bill, and forms Sect. vi. of the Act.

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Act of 1694 omits the words in square brackets and adds those in italics, viz. :—

Sect. i. of Act.

Line 18 . . . (other than honours, lordships or manors [not formerly leased, and other than one lease made by their Majesties in the first year of their reign to William Cock, of one fulling mill and two acres of land, and of one other tenement and land, with the appurtenances, parcel of the manor of Treverbin Courtenay *] shall be good and effectual in law. . . .

Sect. iv.

Lines 3, 4 . . . for the time being, *or Chancellor and Under Treasurer of the Exchequer for the time being*, or with any other person. . . .

Line 5 . . . for the time being *or Chancellor of the Exchequer* shall authorise . . .

Line 8 . . . for the time being *or Chancellor of the Exchequer for the time being ;* Then upon . . .

Sect. v.

Line 1 . . . and [for that the leasehold tenements belonging to the said Duchy within the County of Cornwall are but of small annual value, so that the charge of passing a lease of such small tenements as aforesaid under the Great Seal, or Seal of the Court of Exchequer, is very considerable, and discourages the tenants from frequent renewing and filling up their estates for the improvement of that revenue, Be it further enacted by the authority aforesaid, That the Lord Treasurer or Lords Commissioners (etc., as in previous Bill) . . ease and despatch of the said tenants and] *whereas within the County*, etc. . . . *authority aforesaid.* The Bill then goes on as follows :—

. . . that the whole fees, reward and charges to be paid, received or taken for the preparing, writing, drawing, obtaining, making, passing and perfecting of any such lease or grant, and for the Petition, Answer, Reference, Report, Particular, Certificate, Contract, Warrant, Inrollment and Entry thereof, and for every other matter or thing relating thereunto, or touching or concerning the obtaining, passing and perfecting of any such lease or grant,† shall not exceed the sum of ten pounds for every ‡ lease, and four pounds for every copy over and besides the fine payable to their Majesties for or in respect of such lease or grant, the said respective sums, not exceeding ten pounds and four pounds, to be ascertained and to be paid,§ distributed and divided unto and amongst the several and respective officers, clerks and persons concerned and employed in the preparing, passing and perfecting of such lease or grant, in such proportion as the said fees formerly and hitherto were and are received.

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* The Lords added here (" which said lease is neither confirmed nor avoided by anything in this Act "). C. J., X. 845.

† The Lords inserted here (" where the fine to their Majesties does exceed forty pounds, shall not exceed the sum of twenty pounds, and *where the fine to their Majesties does not exceed the sum of forty pounds.*") C. J., X. 845. The words in italics, and the two other amendments below, had been proposed by Mr. Bertie. *See* Annex (*b*).

‡ The Lords inserted here (" such "). The amendment is given wrongly in the Amendment Paper (Annex (*b*) below) and in C. J., X. 845.

§ The Lords inserted here (" as aforesaid, and "). C. J., X. 845.

The rest of the Bill from this point (Line 15 of Sect. v.) agrees with the Act, except in reading ("or persons") instead of ("and stewards") in line 16 and ("persons") instead of ("stewards") in lines 17 and 19.

Parchment Collection.—[Brought from the Commons this day, read 1ª on 18 Feb. and 2ª on the 20th and committed to a Select Committee * (L. J., XV. 229, 235, 237), which met on 21 Feb. (E. Stamford in the Chair); on 22 Feb. (E. Rochester in the Chair); on 24 Feb. (M. Halifax in the Chair); on 27 Feb. and 6 March (E. Bridgewater in the Chair), but each time only to adjourn; and again on 7 March (E. Bridgewater in the Chair), when the Bill was read by paragraphs. *Mr. Trevannell* and others are heard to the first enacting Clause. Part of the Act 1 Jac. II. is read. Mr. Harbord's Report, 25 Aug. 1689, to the Commissioners of the Treasury, concerning Cock's tenement, is read. They withdraw. Then the first amendment noticed above was made. *Mr. Williams* speaks against the last Clause, which abates the Officers' Fees. Then the last three amendments noticed above were made, and the Bill was ordered to be reported. (Com. Book, 7 March.) It was reported with these amendments, read 3ª and passed, and returned to the Commons the same day. On 8 March the Commons agreed to all the Lords' Amendments except the second, to which they disagreed, and appointed a Committee to prepare Reasons (C. J., X. 845). Of the four Reasons reported by this Committee only the last was agreed to by the House (*ib.* 847); and at a Conference with the Lords on 10th March, the latter insisted on their amendment, and appointed a Committee to prepare Reasons (L. J., X. 283–4). No further proceedings.]

Annexed:—

(*a.*) Clause endorsed "A Clause for reducing the usual fees of twenty pounds taken for the passing a lease in the County of Cornwall to ten pounds." It is a copy of the Clause in the Commons' Engrossment corresponding with Section v. of the Act, and is marked where the amendments proposed in Annex (*b*) are to come in.

(*b.*) 27 Feb. Clause endorsed, Mr. Bertie's Clause, to be added to the Bill at the Committee 27 Feb. 1692. Identical with preceding, but embodying three proposed amendments, for which see footnotes to text above.

(*c.*) 7 March. Lords' Amendments to the Bill. The second one is noted "disagreed" and the rest "agreed." *See* notes to text of Bill above. *Endorsed* are the words: "Parl. Rot. 6, 16 R. 2." [Made in Committee and reported this day (Com. Book; L. J., XV. 278).]

(*d.*) 10 March. Commons' Reason for disagreeing to the Lords' second amendment, concerning fees to Officers, L. J., XV. 283. *In extenso.* [Reported from the Conference this day. (*Ib.*)]

(*e.*) 10 March. List of Lords' Committee appointed this day to draw Reasons for insisting on said Amendment. *Noted:* Conference. The List differs from that in L. J., XV. 283 in omitting the Lord President.

701. Feb. 15. King's Bench (Malicious Informations, &c.) Act.—Lords' Amendments to the Bill to prevent Malicious Informations in the Court of King's Bench, and for the more easy reversal of Outlawries

* It appears from the MS. Min. that the Bill was committed to the Lords present at that time, which was the commencement of the sitting.

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in the same Court. They are to add at the end of the Title the words ("and also for reforming of abuses by Writs of *Quo Minus*"), and to add at the end of the Bill a Clause (Annex (*a*.) below) for that purpose. [Reported from C. W. H. this day. (L. J., XV. 231.) The Bill was brought from the Commons on 5 Jan., and read 1ª on the 10th. (*Ib*., 173, 178). It was referred on 14 Jan. to a Select Committee (*ib*., 183), which does not appear to have met, and on 10 Feb. the Bill was considered in C. W. H. (E. Stamford in the Chair), after the House had been in Committee on the Outlawries Bill (No. **693**) and resumed. The Title and Preamble having been read and agreed to, progress was reported. (MS. Min.; L. J., XV. 223.) On 14 Feb. an order was made for the House to be put into Committee on the 18th, and C. J. Holt and some other Judges to attend (*ib*., 229); but the C. W. H. was resumed, on motion, on the 15th, L. Cornwallis in the Chair. The first enacting Clause read. *L. C. Baron* (heard to this Clause): I have heard great complaints in this business. *Powell, B.:* I think the scope of this Bill is very well, but in some cases it is otherwise. The Clause agreed to. 2nd and 3rd Clauses read and agreed to. *Judges* heard. The other Clauses read and agreed to. A Clause read,* to be added to this Bill out of the *Quo Minus* Bill,† and the *Judges* heard on it. We think it a very good Clause. The Clause agreed to. Title read and amended. House resumed and Bill reported, with the amendments (MS. Min.), which were agreed to (L. J., XV. 231). The Commons disagreed to these amendments (C. J., X. 822), and, after a Conference, the Lords on 14 March agreed not to insist upon them, and the Bill received the Royal Assent the same day. (L. J., XV. 288.) 4 W. & M. c. 18., Fol. Ed.]

Annexed:—

(*a*.) 15 Feb. Engrossed Clause, marked A, being Clause iv. of the Outlawries Bill (No. **693**). [Reported to be added to the Bill this day.]

702. Feb. 15. Judgments Discovery (Docket) Act.—Petition of Thomas Gooding and Simon Folks, Esquires, Custos Brevium et Recordorum of their Majesties' Court of King's Bench and their Under Clerks. The Bill for the better discovery of Judgments in the Courts of King's Bench, Common Pleas and Exchequer at Westminster will take away from Petitioners the searches, fees and profits of their office anciently and of right due, and give them to another office, and will also make public all judgments, to the great discredit of all borrowers of money and disadvantage of trade. Pray to be heard against the Bill. L. J., XV. 231. [The Bill was brought from the Commons on 10 Feb., and read 1ª the next day. (*Ib*., 223, 225.) In Committee on 21 Feb., E. Stamford in the Chair, after reading the first enacting Clause, *Sergeant Goodwin* desired some amendments might be made to the Bill, as the leaving out ("debt, damages and costs"). He says he has a freehold in the office as *Custos Brevium*, and will be prejudiced in his office, if the Bill be not so amended. A Petition of Robert Warter is read.‡—After five adjournments,§ the Committee on 11 March proceeded further on the Bill, and agreed to the Preamble. *Mr. Ward* (for the *Custos Brevium*): This Bill renders the office wholly useless. 1st and 2nd Clauses read and postponed. *Mr. Ward:* Unless judg-

* Annex (*a*) below.

† Outlawries Bill, No. **693**.

‡ Annex (*a*).

§ The Commons sent a Message on 3 March to remind the Lords of the Bill. (L. J., XV. 272.)

ments be docketed, they affect no land. This sets aside part of the Act against Frauds and Perjuries. *Mr. Waller:* The Judgment stands good against the man, though not docketed. This is only that no stranger be cheated. The *L. C. Justice* [*Holt*]: This is to prefer the Docket Book, which is kept by an inferior Officer, before a Record, which is kept by an Officer of greater value. They withdraw. *Ordered* to report that there being great difficulty in the second enacting Clause, the Committee have not passed the preceding Clause, till they have the opinions of the Judges on the 2nd Clause, which they desire may be given in the House. (Com. Book.) This Report being made the same day, *C. Justice Holt* was heard. Bill read 3ª and, on Question, passed, as amended. (MS. Min.; L. J., XV. 285.) It was returned from the Commons on the 13th with the Lords' amendments agreed to with consequential amendments,* to which the Lords agreed, and the Bill received the Royal Assent on the 14th. (L. J., XV. 289.) 4 W. & M. c. 20., Fol. Ed.]

Annexed :—

(*a*.) 21 Feb. Petition of Robert Warter, Clerk of the Doggetts [Dockets] in the Court of King's Bench. Petitioner has for many years docketed the judgments into Parchment Books in an approved method for the ease of the Attorneys searching, being paid only fourpence a term, whereby he cannot make above 30*l.* a year, with daily attendance and great trouble. Prays their Lordships to consider that the method set forth in the Bill will take up four times the parchment, which amounts to more than one-third of the profits and at least six times the labour in entering, besides the heavy penalty in the Bill. [Read this day in Committee on the Bill. Com. Book.]

703. Feb. 16. Butter and Cheese (Searching and Weighing) Act.—Petition of several Cheesemongers of London on behalf of themselves and others trading in Butter and Cheese. Pray to be heard against the Bill to prevent the abuses committed by the traders in Butter and Cheese, which will be very prejudicial to Petitioners and of ill consequence to the public. *Signed* George Harvey, John Moore, John Boys, Rob. Adams, Dan. Scott, Henry Burton, Rich. Joyes, Champion Ashby, Jer. Ives, John Jackson, B. Smyth, John Rous, Thos. Rogers and Roger Hazard. L. J., XV. 233. [The Bill was brought from the Commons on 13 Feb. and read 1ª the next day. (L. J., XV. 227, 228.) In Committee on 18 Feb., L. Cornwallis in the Chair, the above Petition was read, and the Bill read by paragraphs. *Sergeant Darnell* and *Sir Bartholomew Shower* (for the Cheesemongers), speak to the leaving out the words ("want of weight") in the first enacting Clause, and propose that the butter may be sold in some public place. *Mr. Northey* (for the Bill) says the buyer may choose whether he will leave the butter, after bought, with the seller. *Sir Bartholomew Shower* proposes a Proviso for a penalty on the Cooper, if the cask be not marked with the weight.† *Mr. Northey:* That is provided for already by the Statute, 14 Car. *Sergeant Darnell* speaks against the general license to trade for butter. *Counsel* for the Cheesemongers offer three (*sic*) Provisos,‡ which are read and spoken to on both sides. They withdraw. *Sir Miles Cooke* offers a Proviso relating to Gloucestershire,§ which is read and, with the two others, rejected. At the end of the Bill add the Proviso

* The Lords' and Commons' Amendments are both given in C. J., X. 849.
† Annex (*b*). ‡ Annex (*c*). § Annex (*d*).

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marked ✠. A Petition of the Bargemen of Suffolk was read and rejected.* Ordered to be reported, as amended. (Com. Book.) The Commons agreed to the Amendment (L. J., XV. 244), and the Bill received the Royal Assent on 14 March. 4 W. & M. c. 7., Fol. Ed.]

Annexed:—

(*a.*) 18 Feb. Amended draft of Proviso forming the last Section of the Act. The concluding sentence relating to security for costs is added in the handwriting of Chief Baron Atkyns. [Added in Committee this day at the end of the Bill. (Com. Book.) It forms a separate Schedule annexed to the Roll.]

(*b.*) 18 Feb. Clause as follows: And for prevention of undue practices committed by divers Coopers in this Kingdom in making unlawful butter firkins, some weighing twelve pounds, some fourteen pounds, and some sixteen pounds weight, many of them being also made of green and unseasoned timber, to the decaying of such butter as hath been packed up therein, to the great damage of farmers making the said commodity and to all other dealers in the same, Be it further enacted by the authority aforesaid, That all and every Cooper and Coopers within this kingdom making and exposing to sale any empty firkin or firkins, half firkin or half firkins, to any dairyman, farmer, or other person or persons whatsoever packing up, or that shall hereafter pack up, butter therein, shall from and after the commencement of this Act, make all and every such firkin or firkins, half firkin or half firkins, for the purposes aforesaid, of sound, dry and well-seasoned timber, and shall immediately, as soon as the same is made, set upon every such firkin and firkins, and half firkin and half firkins, a continuing visible mark of the just weight of every such empty firkin or firkins, half firkin or half firkins, together with the two first letters of his and their name or names, that no such firkin whatsoever, made for the purpose aforesaid, shall not (*sic*) exceed the weight of ten pounds, nor any half firkin exceed the weight of six pounds, upon pain and penalty that every such offender or offenders, that shall make for sale, for the purpose aforesaid, any such firkin or firkins, half firkin or half firkins, of any green or unseasoned timber as aforesaid, or not truly tared as aforesaid, or exceeding such weight as aforesaid, being thereof convicted as an offender against this Act in manner aforesaid, shall forfeit for every such respective firkin the sum of , and for every such respective half firkin the sum of , to be levied in manner as aforesaid. [Offered this day in Committee by Counsel for the Cheesemongers, and read and rejected. Com. Book.]

(*c.*) 18 Feb. Clause as follows: Provided also and be it further enacted by the authority aforesaid, That all and every person and persons, who shall at any time hereafter pack or put up any butter into firkins, or other casks or pots for sale, shall expose the same to sale and sell the same in some public market or fair within this kingdom and not elsewhere; and all and every person and persons that shall otherwise expose to sale or sell any such butter, shall be still subject and liable to all and every the penalties and forfeitures in the said recited Act of the fourteenth year of the said late King mentioned, to be imposed and recovered as in and by the said Act is provided, Anything

* Annex (*e*).

hereinbefore contained to the contrary thereof in any wise notwithstanding. [Offered to the Committee this day by Counsel for the Cheesemongers, and read and rejected. Com. Book.]

(*d.*) 18 Feb. Proviso as follows: Provided that nothing in this Act contained shall extend or be construed to extend to any warehouse which now is or hereafter shall be within the County of Gloucester and the City and County of the City of Gloucester, nor to any vessel or boat at any time belonging to, or that shall come into, any the ports or havens of either of the said Counties. [Offered to the Committee this day by Sir Miles Cooke and read and rejected. Com. Book.]

(*e.*) 18 Feb. Petition of several Masters of hoys and vessels trading from Suffolk to London. The Bill tends greatly to discourage Petitioners in their employment by depriving them of the liberty to contract for the freight of their own vessels at home, and to encourage the Cheesemongers of London to send vessels from thence to freight by Charter-party, while Petitioners' vessels must lie still and the trade be swallowed up by strangers. Pray to be heard by Counsel against the Bill. *Signed* Humphrey Lindsell, John Friend, Thomas Almond, James Cordy, Titus Grafton, Richard Horne, John Lambly, Wm. Westhorp, William Fidler, Thomas Gall, James Deane and John Cock. [Read this day in Committee and rejected. Com. Book.]

(*f.*) Letter from John Kennesley to Sam. Palmer at the "Cheese" in Honey Lane. Has bought one parcel of cheese at 22*s.*, but finds "that good cheese will not be had so now, for, as we use to say, it is gotten in the hucksters' hands. Here is 23*s.* 6*d.* and 24*s.* bidden by our great men here, and is refused by some, that so it will not now be bought for 22*s.* per cwt.; and I have sent to Ince and Fradsom to see if I can get any freight there, for I was denied at Chester, and Potter said that the wholesale men designed no retailer should come in. I suppose they are about to engross all into their own hands. A waggon and cart did promise to load for me this day, but I doubt have deserted me. Wages is 5*s.* 2*d.* and 5*s.* 3*d.*" *Dated* 1 June 1691.

(*g.*) Letter from Same to Same. Finds that he cannot get any freight at Ince or Fradsom, for the wholesale men are engrossing all into their own hands, and will not allow the retailers to come in, and unless they can be prevailed on to do so, no good will be done here. Adds particulars as to purchase, &c. of some cheese. *Dated* 5 June 1691.

(*h.*) Letter from Edmund Duncalfe to same. Is loth to act in his own name for the Retailers, because the Wholesalers are striving against them, and have bound up their business to four men in Hull, of whom he is one. This may happen to be of some consequence, so he cannot be blamed for doing the best he can for himself; and therefore, till he sees what the event will be, he desires Palmer to address his letters to Robt. Richardson, Carver, in Hull. *Dated* Hull, 23 July 1692.

(*i.*) Letter from Thomas Blake. Regrets he cannot examine his ware and ship it. *Dated* Ipswich, 11 Oct. 1692. The address is torn off.

(*k.*) Letter from Tho. Gren to Mr. Edward Domvile, Cheesemonger, over against the Hospital, Southwark. Being now at Woodbridge, he finds that D. H. durst not ship any goods for Domvile, nor durst the writer buy, for his "whole" employers

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tell him plain, that if he buys for them, he shall not for Domvile. Proposes an arrangement to do business under assumed names and in disguised handwriting; that the trade take no notice of it, for if they do, he is undone. A second address on the back is to Mr. Charles Bardoe, Cheesemonger, near Fishmonger Hall, in Thames Street. *Dated* 30 June 1692.

(*l.*) Letter from Daniel Leson to same. Makes excuses for not shipping his goods, as Domvile knows he dare not do it without an order from the trade. If Domvile has any interest with the Aldermen or Mr. Nathaniel Hawes, he may get liberty to ship, as formerly. *Dated* Woodbridge, 30 July 1692.

704. Feb. 17. Berry and others *v.* Yate.—Petition of Wm. Berry and Apollina, his wife, Wm. Giffard and Ellen, his wife, and Anthony Dowdall and Rebecca, his wife. Dr. Thos. Yate, late Principal of Brazenose College, Oxford, by his Will of 21 July 1678 gave his estate to his brother Jonathan and his nephew Thomas Yate, son of the Respondent Samuel Yate, and shortly after died. In Jan. 1681 his nephew also died, leaving his brother and sister, Samuel and Elizabeth, Executors of his Will. Some disputes arising about Dr. Yate's personal estate, Jonathan and Respondents agreed on 27 Feb. of that year that Jonathan, on paying 1,000*l.* to the Respondents Samuel and Elizabeth, and Dr. Yates' debts not exceeding 360*l.*, should have all Dr. Yate's and his nephew's personal estates. Jonathan by his Will of 21 July 1687 made Sir Thos. Pinfold, Knt., and others Executors in trust for paying his debts and legacies, and gave several legacies to Appellants, and soon after died. After the nephew's death, his father Samuel carried away from his chamber at the College, with other gold and silver, 300 guineas in a purse and a large number of gold rings, which he concealed from Jonathan and converted to his own use, and after Jonathan's death, sued his Executors for 300*l.*, which he pretended he had paid for Thomas' debts. The Executors refusing to pay Appellants their legacy, till the matter was determined, the latter brought a Bill in Chancery against them and Respondents, for a discovery, and the Lords Commissioners on 18 July 1690 decreed an Account to be taken of Jonathan's and the nephew's estates, and the Executors to pay what was left due of the 1,000*l.* or 360*l.* The Master reported that the 1,000*l.* and interest had been paid by Jonathan, but that 527*l.* 8*s.* 11*d.* remained due to Samuel for sums paid by him for Thomas' debts. Appellant's exceptions were overruled and the Report confirmed in December last, and costs were awarded against him by an Order of 13 Jan. Prays that the Report and subsequent Orders may be rectified. *Signed* by Wm. Berry; *Countersigned* by Rich. Holford and Tho. Filmer. L. J., XV. 234. [The Cause was heard on 4 March, the *Solicitor-General* and *Sir William Williams* being heard for Appellants and *Sir Thomas Powys* and *Mr. Ward* for Respondent. Decree affirmed with 20*l.* costs, and Counsel who signed the Petition ordered to attend on the 6th (MS. Min.; L. J., XV. 275). No further proceedings.]

Annexed:—

(*a.*) 24 Feb. Answer of Samuel Yate, the elder, Clerk, and of Samuel and Elizabeth, his son and daughter. Jonathan covenanted that Respondents should have what money the nephew had answered on his Bursar's account to Brazenose College for rents received by Sir Robert Clayton for the use of the College, and also all moneys due to the nephew. Samuel, the father, paid for Thomas' debts 271*l.* 11*s.* 8*d.*, and the money in Clayton's hands

was 122*l.* 7*s.* 0*d.*, which Jonathan received, and paid the 1,000*l.* and interest, besides 50*l.* towards Thomas' debts and 20*l.* towards the money in Clayton's hands, and made Dr. Edisbury, Sir Thos. Pinfold and one Richard Stevens, Gent., Executors of his Will in trust for the Appellants, his daughters. The Respondent Samuel the elder, with Dr. Edisbury and one Mr. Hatton, Senior Fellow of the College, entered Thomas' study after his death, and found some money and some gold rings, which by Dr. Edisbury's direction, were numbered and left with Hatton, who handed them over to Jonathan, except the rings, which the latter allowed him to keep. The Decree is just, and the Respondent Samuel the elder being almost 80 years old, Appellants use all means of delay. *Countersigned* by Tho. Powys. *Endorsed* as brought in this day.

705. Feb. 17. Privilege of King's Servant (W. Laycock).—Petition of William Laycock, Esq. Petitioner, one of the Gentlemen of his Majesty's Privy Chamber in Ordinary, is prisoner in the King's Bench Prison, having been arrested at the suit of one Robert Winter. Prays that the Marshal or Keeper may be ordered to discharge him. [Read and ordered as prayed this day. L. J., XV. 233.]

706. Feb. 17. Quarter Sessions (Writs of *Certiorari*) Bill.—Petition of Simon Harcourt, Secondary of the Crown Office in the King's Bench, Robert Seyliard and the rest of the Clerks of the same Office, for leave to be heard by Counsel against the Bill to prevent delay of proceedings at the Quarter Sessions of the Peace. *Signed*, in addition to Harcourt and Seyliard, by William Eyre, John Weekley, Rich. Horton, Ben. Brown, Geo. Weekley, John Cook, Will. Leighton and Lyonell Fanshawe. [Read this day and Counsel ordered to be heard the next day. (L. J., XV. 234.) No further proceedings. *See also* No. **695.**]

707. Feb. 17. Fitch *v.* Fitch.—Petition and Appeal of Dame Anne Fitch, Widow and Administratrix of Sir Thomas Fitch, Knt. and Bart., deceased. Sir Thomas, after lending the Respondent John Fitch large sums to relieve his necessities, was prevailed on, a few days before his marriage, to give him a general release, leaving him a debtor, however, for 1,000*l.* on two bonds, and in 1677 made him partner in the work of building fortifications at Chatham, Portsmouth and other places for Charles II., and continued the partnership till his death in 1688. John wanting money, Sir Thomas advanced all that was necessary for carrying on the work, and expended so much on his particular account, that John in 1678 gave him a bond for 1,650*l.* A dividend was afterwards made, and John received 1,000*l.* as his moiety, besides a further 500*l.* at a second dividend in 1681, when, being found to owe Sir Thomas 3,006*l.* on his private account, he assigned to him his moiety of a talley for 3,065*l.*, the whole of which talley Sir Thomas then assigned to one Henry Lamb, a Goldsmith, as security for 700*l.* A third dividend was made in 1685, and in 1690 Sir Thomas, desiring to settle something on John's daughter, Alice, entered into a bond of 4.000*l.* for a portion of 2,000*l.* to her, if she married, and if not, the same to go to John, and to arise out of his moiety of 4,998*l.* then due from the Ordnance Office, all of which was afterwards received and spent upon the works. A fourth dividend was made in 1687, reciting a receipt for 5,000*l.*, being the whole of John's share of the four divi-

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dends. In 1688 Sir Thomas died intestate, leaving Sir Comport, Thomas, Anne, Melior and Christian his children, the eldest about 12 years of age. Differences arising as to the talley, the 2,000*l.* on the bond, and 1,000*l.* paid on the last dividend, Appellant brought a Bill in Chancery against John for a general account and for relief against the bond of 4,000*l.*, and John brought a Cross-Bill for an account of the receipts from the partnership and of Appellant's receipts as administratrix, and for relief against the assignment of the talley. The Court on 1 March, 2 W. & M., decreed separate accounts of the partnership and the moiety due on the private account, and that Appellant should account for her receipts since Sir Thomas' death. After a rehearing, and a report from the Master, Appellant's exceptions to which were overruled, the Court decreed that the 1,650*l.* bond was the consideration for the assignment of the moiety of the talley, and that the 4,000*l.* bond should stand as a charge on Sir Thomas' estate. Prays that this Decree may be set aside. *Signed* by Appellant; *Countersigned* by J. Somers and Tho. Trevor. L. J., XV. 234. [The Cause was heard and the Decree affirmed on 3 March, the *Solicitor-General* and *Mr. Blackerby* appearing for Appellant, and *Mr. Finch* and *Mr. Ward* for Respondents. (MS. Min.; L. J., XV. 272.)]

Annexed :—

(*a.*) 23 Feb. Joint and Several Answers of Sir Comport Fitch, Bart., Thomas Fitch, Gent., Anne, Melior and Christian Fitch, Infants, by Lancelot Johnson, Esq., their Guardian. Sir Thomas lent large sums to the other Respondent John Fitch, and purchased his moiety of the talley, and gave a bond for payment of 2,000*l.* to him as a portion for the other Respondent Alice, endorsed to arise out of John's share of the money then due from the Ordnance Office. Hope that the suits in Chancery will not prejudice their interest in their father's estate. *Signed* by La. Johnson. *Endorsed* as brought in this day.

(*b.*) 27 Feb. Answer of John Fitch, John Saunders and Alice Fitch. The Commissioners treated with the Respondent John Fitch for the work, and proposed to advance 3,000*l.*, if he undertook it. Sir Thomas, knowing that John was skilled in such work, and not in such low circumstances as is suggested, having an estate of inheritance in Dorsetshire, of 300*l.* a year, importuned him to be admitted as partner. Sir Thomas in 1677 received the 3,000*l.*, and never advanced any of his own money for the work, which was managed entirely, and at great expense by John, his partner meanwhile residing in London, and taking fraudulent advantage of the money passing through his hands. The 2,000*l.* on the bond was for part of the 5,000*l.* due to John, as his moiety of the four dividends, Sir Thomas making up the rest in notes, including one drawn on Lamb for 1,000*l.* Respondent released his interest in the moiety of the talley, in consideration of Sir Thomas' delivering up the bond, which he never did, but by surprise, in Respondent's absence, got the assignment from a Mr. Russell, with whom the release had been left, until the bond was delivered up to be cancelled. Pray to be dismissed with costs. *Signed* by above Respondents; *Countersigned* by T. Vernon. *Endorsed* as brought in this day.

708. Feb. 17. Hawkers and Pedlars Prohibition Bill.—Commons' Engrossment of an Act to prevent the decay of Trade in Cities, Corporations and Market Towns. The text of this Bill is printed below in Roman type, the portions of which included in square brackets

represent what is omitted by the later Bill of 2 April 1694, while the italics represent what is added by that Bill.

Clause 1 (in both Bills).

Forasmuch as the Cities, Corporations and market towns from all parts of the Kingdom have complained that, by reason of some defects or difficulties in the execution of the present laws, the inhabitants and settled traders of the said cities, corporations and market towns are so undermined and forestalled by the unlawful practices of pedlars, hawkers and other wandering persons, who in all parts do carry about, sell and expose to sale from house to house and place to place divers deceitful, prohibited and uncustomed goods of all such kinds as they, the said settled traders and shopkeepers, do deal in, by which means the [consumption and values of the said goods are much hindered] *life and substance of trade is impaired and carried away by strangers and horse and foot pack-men*, and true workmanship discouraged, to the great prejudice of the English manufactories, both at home and abroad, and to the discouragements and ruin of all the fair and legal traders in the said cities, corporations and market towns, and to the falling of the rents and profits in and about the same; For remedy whereof be it enacted by the King and Queen's Most Excellent Majesties, &c., That from and after the [first] *nine and twentieth* day of September [next], which shall be in the year of our Lord one thousand, six hundred, ninety [three] *four*, no pedlar or person or persons whatsoever, either on foot or with horse, *horses* or otherwise, (except as hereafter in this Act is excepted) shall carry about and sell or expose to sale, or cause to be carried about and sold or exposed to sale, any goods or wares made of, or mixed with, any woollen, linen, silk, cotton, hair, metals or leather, or any such goods or wares as are usually sold by drapers, mercers, haberdashers, grocers, stationers or glass-sellers in any city, town, borough, village, hamlet or any other place whatsoever, within the Kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, except it be in open [fair] *fairs* or marts or in open markets, in such manner and by such persons as hereafter is herein limited and provided, or in his, her or their own shop or ware-house, where they usually inhabit, or in the open market of [such] *any* city or town, [in which he, she or they do reside and dwell] upon pain to forfeit and lose, for every such offence committed contrary to the intent hereof, the several sums following (that is to say), every horse-chapman, pedlar or other wandering person the sum of forty shillings, and every foot-chapman, pedlar or wandering person the sum of ten shillings, whereof one moiety to be to the use of such person or persons, who shall seize or procure to be seized such offender or offenders, and the other moiety to the use of the poor of the parish where such offence shall be committed or commodities [shall be] seized, *to be levied* as hereafter is provided.

Clause 2 (in both Bills.)

And it is hereby further enacted by the authority aforesaid, that any person or persons shall and may detain any such offender or offenders for such reasonable time, wherein he or they may give notice to any constable, headborough, tithingman, churchwarden, overseer of the poor, or any other parish officer or officers from time to time and at all times from and after the said [first] *nine and twentieth* day of September, upon any offence committed contrary to this Act, which officer and officers, upon such notice, or otherwise upon their own view or knowledge, are hereby empowered and required to seize the goods, wares and commodities so carried about [or] *and* exposed to sale as aforesaid contrary to this Act, and hold and detain such goods and commodities for any time not exceeding the space of ten days, within which time, [as] *so* soon as conveniently may be, the person or persons so seizing shall repair to one of their Majesties' Justices of the Peace of the county, riding, city, town-corporate or division, where such seizure was made, which said Justice shall have power, and is hereby required, to hear and determine the said matter, upon due proof, by the oath of one or more witnesses (which oath he is hereby empowered and required to administer), and upon acquittal or discharge of the person or persons whose goods shall be so seized, the said Justice or Justices shall cause the said goods to be restored to the owner or owners thereof; but on finding and adjudging the persons to be guilty of the offence aforesaid, in manner as aforesaid, the said Justice or Justices shall, by warrant under his or their hand and seal, to be directed to the constable or other officer or officers aforesaid, cause the said goods, wares and commodities to be sold for raising the said penalties, or so much thereof as shall be sufficient for raising the [said penalties by this Act imposed for every such offence committed as aforesaid] *same*, unless the said offender or offenders shall, within the said space of ten days next after [such seizure and] conviction made [as aforesaid], pay or satisfy to the said prosecutor or prosecutors

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the said several sums of forty shillings and ten shillings *respectively*, for every such offence by him, her or them committed as aforesaid, and in default thereof, [then it shall and may be lawful] to and for the said constable and other officer and officers, as aforesaid, of the hundred, parish or place where such seizure shall be made (who are hereby required to be aiding and assisting therein), by virtue of a warrant from the Justice of Peace as aforesaid, to cause the said goods, wares or commodities so seized, to be appraised by two sworn appraisers, (whom such Justice of the Peace, constable, or other officer or officers is hereby empowered to swear), to appraise the same truly, according to their best understanding, and after such appraisement shall and may lawfully sell the goods, wares or commodities so seized and appraised, or such part thereof as shall be sufficient, for the best price that can be gotten for the same, within six days, towards satisfaction of the penalties and forfeitures aforesaid, and of the charges of such [appraisements] *appraisement* and sale, restoring the said party or parties offending the overplus thereof, if any be.

* Clause 3. (No. 10 in later Bill.)

And be it further enacted by the authority aforesaid, that if any person or persons *shall* [be] at any time *be* sued for putting in execution any of the powers contained in this Act, or for doing anything pursuant thereunto, such person or persons may plead the general issue, and give the special matter in evidence: and if the Plaintiff be nonsuit, or a verdict pass for the Defendant, or if the Plaintiff discontinues his action, or if, upon demurrer, judgment be given for the Defendant, every such Defendant shall have [double] *treble* his or her costs.

† Clause 4. (No. 3 in later Bill.)

Provided that this Act shall not extend to hinder any person or persons residing and dwelling in the Kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, who are the real workers and makers of any goods or wares, *or his, her or their children, apprentices or domestic servants*, from selling or exposing to sale any of the said goods or wares of his, hers or their own making [on] *in* any market [day], *fair or mart* in the open markets [of all cities, corporations and other market towns whatsoever, in as free, large and ample manner as they, or any of them have, or lawfully might have, done, before the making of this Act] *or within fifteen miles of the place of his, her or their habitation, nor any such workers as aforesaid from selling their own manufactures, nor any other person whatsoever selling by wholesale only to any shopkeepers who sell the same by retail, nor to restrain any tinker or other persons usually employed in mending or repairing of any kettles or household goods whatsoever, from going about and carrying with him or them materials for mending the same, this Act, or any other Act or Acts heretofore made to the contrary, in any wise notwithstanding.*

Clause 5. (Not in later Bill.)

[Provided also that any person or persons residing and dwelling as aforesaid, who are the real workers and makers of any goods or wares whatsoever, either of English or foreign materials, may at any time sell and expose to sale any of the said goods or wares of his, her or their own making, to any person or persons whatsoever inhabiting in the said city, town or place where such maker doth reside and dwell, or within ten miles of the same, as freely and lawfully as they or any of them have, or might have, done before the making of this Act.]

† Clause 6. (*See* Clause 3 of later Bill *ad fin.*)

[Provided also, that any tinker or other persons usually employed in mending or repairing of any kettles or other household goods whatsoever, may go about and carry with him or them materials for mending the same as lawfully and freely as they, or any of them, have or might have done before the making of this Act.]

Clause 7. (No. 4 in later Bill.)

Provided also, *and be it further enacted*, that any pedlar or pedlars, or other wandering person or persons, who have been [occupied and] employed for and during the space of seven years last past in buying and selling any of the goods and wares usually dealt in by any of the shopkeepers aforementioned, giving security to

* Compare Sect. vi. of Act of 1696-7 (8-9 Will. III. c. 25., Fol. Ed.).
† Compare Sect. ix. of Act.

indemnify the parish, as by law required, shall have free liberty to take *a* house and shop, or either of them, in any market-town, village or hamlet in the Kingdom of England or dominion of Wales (except cities, boroughs and towns-corporate) and being therein settled as aforesaid, shall and may lawfully use and enjoy the same liberty and privilege of trade, as if he or they, or any of them, had served apprenticeships in the said town or towns, any former law or statute to the contrary notwithstanding.

Clause 8. (No. 5 of later Bill.)

Provided *also* that this Act shall not extend to any person or persons for selling of glasses or earthenware out of the cities of London and Westminster, or suburbs thereof, [or any other city, borough or corporation whatsoever] *and out-parishes within the Bills of Mortality.*

* Clause 9. (No. 6 of later Bill.)

Provided *further* that this Act or anything therein contained shall not extend to prohibit any person or persons from selling any Acts of Parliament, Forms of Prayer, Proclamations, Gazettes, licensed Almanacks, or any other public papers licensed by authority.

Clause 10. (No. 7 of later Bill.)

Provided also, that no pedlar, petty chapman or hawker, who shall be punished by virtue of this Act, shall suffer or be punished for the same offence by any other Act or law whatsoever.

† Clause 11 (in both Bills.)

And be it further enacted by the authority aforesaid, that if any constable, headborough, or other officer or officers aforesaid, shall refuse or neglect (upon due notice) to be aiding and assisting in this Act, every such officer, being thereof convicted by the oath of one or more witnesses before any Justice of the same county, riding, city, town-corporate or liberty, (who are hereby authorized and required to hear and determine the same) shall forfeit for every such offence [the] *any* sum [of] *not exceeding* forty shillings *nor under twenty shillings*, to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of such Justice of the Peace, to be distributed, the one half thereof to the poor of the parish where such offence shall be committed, and the other to the informer, and the overplus thereof, if any be, to be returned to the party so offending.

Clause 12. (No. 8 in later Bill.)

Provided always that if any person or persons shall think him, her or themselves aggrieved by the determination of any Justice of the Peace, who shall at any time act in pursuance of the powers to him given by this Act, it shall and may be lawful to and for such person or persons to appeal to the next General Quarter Sessions of the Peace, to be held for the county, riding, city or town-corporate where the said offence shall be committed, the determination of which Justices shall be final and conclusive to all parties.

Clause 13. (No. 9 in later Bill.)

Provided nevertheless, that no person shall be capable of bringing any such Appeal at the Quarter Sessions, who shall not, after such determination of the [Justice] *Justices* of *the* Peace, and before the sale of the said goods, enter into recognizance, with one or more sufficient sureties, before the said Justice of the Peace, who made the said determination, to answer the said penalty to the informer and poor of the parish, together with [double] *treble* costs, in case the Appeal shall be adjudged against him, her or them so appealing by the said Justices at the Quarter Sessions, or the major part of them.

Clause 14. (Not in later Bill.)

[Provided always, that nothing in this Act shall extend to certain persons called packers or traders, who carry woollen or any other manufactures of this Kingdom from town to town, to be sold to shopkeepers only, or at fairs, for any such manufactures they shall so carry, so as such packers or traders do not sell the same by retail to any other person or persons than such shopkeepers or at such fairs.]

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* Compare Sect. ix. of Act.
† Compare Sect. vii. of Act.

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Clause 15. (No. 12 in later Bill.)

And be it further enacted by the authority aforesaid, that this Act shall continue in force for the term and space of [five] *seven* years, and from thence to the end of the next Sessions of Parliament and no longer.

The Bill of 1694 concludes with the following clause, which is not in this Bill, viz.:—*Clause* 13. *Provided that nothing in this Act contained shall extend to give any liberty to any tinkers to do any work in the cities of London or Westminster, or borough of Southwark, or any other city or corporation town, which they could not do before the making of this Act, anything in this Act contained to the contrary thereof in any wise notwithstanding.*

Parchment Collection. [Brought from the Commons this day (L. J., XV. 234). Read 1ª and rejected 18 Feb. (*Ib.* 235).]

709. Feb. 18. Privilege of King's Servant (Mark Smith).—Petition of Mark Smith. Petititioner, one of his Majesty's Watermen in Ordinary, as appears by a certificate of E. Dorset, is a prisoner in the King's Bench Prison, at the suit of Sir Thomas Fowles and Rawlinson, formerly Sheriffs of London, on a pretended bail bond, at the procurement of one Abraham New, with whom and another Petitioner was bail some years ago for one Tompkins, since deceased. Tompkins left estate sufficient to pay his debts, but New has got the bond assigned to him, and has charged Petitioner in execution with the whole debt of 250*l.* to excuse himself. Prays to be discharged, that his family may be kept from perishing. [Read this day and Smith ordered to be discharged. L. J., XV. 235.]

710. Feb. 18. Offices (Buying and Selling) Bill.—Draft of an Act to explain the Statutes against Buying and Selling Offices.

§ i. Whereas there cannot be a due administration of Justice or any right application of the public treasure, unless persons worthy and meet and none other be advanced to offices and places of trust, according to the true intent and meaning of the laws made against buying and selling offices, And whereas the honour, wealth and safety of the nation chiefly depend on the due and impartial execution of the laws in force, It is absolutely necessary to make such provision, that the Judges and Officers entrusted or to be entrusted with the administration or execution of Justice may not, under the umbrage of a proviso in the statute made in the fifth and sixth years of King Edward the Sixth [5 & 6 Edw. VI. c. 16.*], buy and sell offices, seeing that proviso for the Judges to give and grant offices as they might have done ought not to be construed for them to sell, by reason the laws before that time made in the eighteenth and twentieth years of King Edward the Third and in the twelfth year of King Richard the Second [18 Edw. III. stat. 4.; 20 Edw. III. c. 1.; 12 Ric. II. c. 2.] remain in full and perfect force; Be it therefore Enacted by, &c., That from and after the day of every Chief Justice, Judge of Assize or other, who shall buy or sell any office, shall incur all and every of the penalties and forfeitures in and by the laws made against buying and selling offices provided, ordained and appointed.

§ ii. And for the better execution of the laws, Be it further Enacted That every Chancellor, Keeper or Commissioner of the Great Seal and every Judge and Baron, at or before he enter upon the execution of his office, shall take an Oath upon the Holy Evangelist to the effect following:

I, A.B., do swear that I have not by myself or other, directly or indirectly, given or promised to give anything to any person for the office

* This and the other references to the Statutes given here in square brackets are noted in the margin.

of and to which I am now admitted, and that I will to the best of my skill lawfully counsel their Majesties in their business, and will not counsel or assent to anything which may turn to their Majesties' damage or disherison by any manner of way or colour, and that I will to the utmost of my power remedy such things as I believe doth in any wise tend to the dishonour or disprofit of their Majesties and their people, or make the same known to their Majesties, that they may be redressed; and that I will do equal law and execution of right to all their Majesties' subjects, rich and poor, without respect of persons; and that I will not by myself or other, directly or indirectly, privately or openly, take any fee, gift or aught of value may turn to my profit of any person upon any account whatsoever for any matter or thing to be done by me in any wise relating to my office, but will content myself with such salary as their Majesties think fit to allow and grant me; and that I will not deny common right to any, but will execute the laws as faithfully as I can, to promote their Majesties' honour and the comfort, safety and prosperity of their Majesties and their people.

§ iii. And be it further enacted, that every person, before admitted to the execution of any office, shall besides the usual oaths, take an Oath upon the Holy Evangelist to the effect following:

I, A.B., do swear that I have not by myself or other, directly or indirectly, given or promised to give anything to any person or persons whatsoever for the office of and to which I am now to be admitted, as God help me.*

§ iv. And whereas Oaths and penalties have hitherto proved ineffectual to make good and wholesome laws be duly observed, by reason the Judges and Officers, who dispense with divers of them, be entrusted to reform themselves and correct others; Be it therefore enacted That any person at his or her election shall upon petition have a Commission, which shall be granted by the Court of Chancery, King's Bench, Common Pleas or Exchequer, or any of them, directed to special Commissioners of good credit of the Petitioner's nomination, to inquire of any Judge or Officer's breach of Oath and duty by a substantial jury, duly to be returned by the Sheriff of that city or county wherein the offence is suggested to be committed; And the Inquisition, duly taken, returned and filed in that Court, out of which the Commission is or shall be issued, shall be a judgment by default, if the fact found be not traversed and tried according to the directions of the Statute made in the first year of King Henry the Eighth [c. 10.], and after judgment by default or verdict upon trial of the traverse, the Judge or Officer convicted of breach of any condition in law, which by his oath and duty he is obliged to perform, shall forfeit his office and suffer punishment as in the case of perjury; and the office forfeited, after judgment and conviction aforesaid, shall be granted to the prosecutor during his good behaviour, if he desire the same and be well qualified for it, or otherwise the prosecutor shall have so much duly paid to him in money out of the Exchequer as the full three years value of the office forfeited shall be valued or reputed to be worth at one entire payment, as his reward for the great trouble and expense he must necessarily be at in serving the public.

§ v. Lastly, it is Enacted that the due fees belonging to every person in any office or employment shall be fairly written in paper or parchment,† and shall be hung up in every of the respective Courts and in some one

* *Noted* in margin: 18 Edw. III. stat. 4., 12 Ric. II. c. 2. direct an oath to be taken by all that claim a right to give or grant offices.

† *Noted* in margin: 3 Jac. I. c. 7.

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or more of the most public office or offices belonging to every Court respectively, for any, at his or her election, to read and take copies thereof, And the Officer or Officers, in whose office or offices the same shall be hung up in tables as aforesaid, shall renew and transcribe them when and as often as they become illegible or obliterated, upon pain of forfeiture of office as aforesaid. [Read 1ª this day (L. J., XV. 235). Committed on 20 Feb. to the same Lords who formed the Committee on the Duchy of Cornwall Bill (*ib.* 237).* The Committee on this Bill met on 21 Feb. (E. Stamford in the Chair); 22 Feb. (E. Rochester in the Chair); 23 Feb. (E. Stamford in the Chair); 24 Feb. (M. Halifax in the Chair); 27 Feb. (L. Ossulston in the Chair), and 28 Feb. (E. Rochester in the Chair), but each time only to adjourn, no proceedings being recorded in Com. Book, and the Bill dropped with the Session.]

711. Feb. 20. Castell *v.* Stephens.—Petition of Richard Castell. Petitioner, being possessed of four leases for lives of several houses, lands and mills and the Stewardship of the Fairs and a coney warren in Blockley, in Worcestershire, and also seized of freehold lands in Burton, Gloucestershire, in the whole about 150*l.* a year, mortgaged the same for 1,050*l.* to Anthony Arnold in 1665. Arnold having entered and received 8 years' profits, before the mortgage was forfeited, Petitioner brought a Bill against him in Chancery for an account and redemption, and in April 1673 obtained a Decree to redeem the same, and 390*l.* was then reported due to Arnold. One Francis Stephens having agreed to assist Petitioner to pay off this debt, Petitioner in February 1673 conveyed the premises to him for 1,250*l.*, out of which it was agreed that Stephens should pay the said debt to Arnold and the rest to Petitioner, but (by a private agreement) to reconvey the premises, on Petitioner's repayment of the 1,250*l.* and interest. Petitioner never received more than 60*l.* of Stephens, who shortly after the conveyance, combined with Arnold and procured him to convey the premises to him, and then refused to account with Petitioner for the remainder of the 1,250*l.* or suffer him to redeem. Petitioner, thereupon, brought a Bill against Stephens, who answered denying the agreement to reconvey, but submitted to a redemption on payment of the 1,250*l.* with interest, and insisted that he was an absolute purchaser. On 2 March, 4 Jac. II., the Court decreed that Stephens should account with Petitioner for the whole 1,250*l.*, and pay what was due, which was reported to be 578*l.* 6*s.* 2*d.* An Order for rehearing having been obtained but afterwards discharged, the Decree was enrolled and Stephens prosecuted to a sequestration, but Petitioner's Clerk in Court having by mistake drawn up the Decree without taking notice that witnesses were examined, Stephens brought a Bill of Review, and obtained, on the ground of this omission only, a reversal of the Decree and a dismission of Petitioner's Bill, and Petitioner is advised that another Bill of Review does not lie. Prays that the Cause may be heard, and all the enrolments laid open, and for leave to proceed on the Report. *Signed* by Appellant; *Countersigned* by Wi. Williams and Wm. Dobyns. L. J., XV. 237. [The Cause was heard on 5 Jan. 1693-4. *Sir William Williams* (for Appellant): We desire

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* *See* No. **700.** The Committee on each Bill consisted, as appears from MS. Min., of the Lords then present, *i.e.* at the commencement of the Sitting. It appears from MS. Min. that E. Bath, L. Great Chamberlain, E. Warrington, L. Ashburnham and L. Clifford were added to the Committee on this Bill on 22 Feb. No entry of this in L. J.

that the enrolment of the dismission of our Bill may be taken off. This estate was mortgaged to one Arnold. We have not received but 100*l.* of our estate. We have been out of our estate ever since 1675. This was reheard before L. Jeffreys. *Mr. Dobyns* (for Appellant): We only desire that the enrolment may be set aside, so that we may be reheard. The question is, whether a mortgage or a purchase.. They remain accountable to us for the purchase money unpaid. *Sir Thomas Powys* (for Respondent): He says he has received nothing. Now we have actually paid Arnold, and we have his deeds and conveyances and his receipts for the purchase money. He has received 1,150*l.*, and we have paid Arnold. This man made no pretence during Arnold's life. The Master reports the whole purchase money paid. *Bourne* v. *Stone;* he cites the same case with this, which your Lordships dismissed with a sort of reprimand. *Mr. Vernon* (for Respondent): We hold distinct acquittances and discharges, and we have actual possession and quiet enjoyment for 10 years. Decree affirmed. (MS. Min.; L. J., XV. 335.)]

Annexed:—

(*a.*) 3 Nov. 1693. Answer of Francis Stephens. Appellant was possessed of certain houses in Blockley, and certain lands called the Warren and the Woods, under some leases from the Bishop of Worcester, and of certain lands in Bourton, which he and his wife conveyed to Arnold for 150*l.* without any proviso of redemption. In 1673 Appellant and Arnold agreed with Respondent for his purchase of the premises, and Appellant and his son assigned to him for 275*l.* their interest in the houses in Blockley, and conveyed to him for 625*l.* the Warren, and for 350*l.* the lands at Bourton. The Court on 9 June 1686 declared Respondent an absolute purchaser of the Warren for 625*l.*, but there being no proof of the payment of the 625*l.* for Blockley and Bourton, Respondent was ordered to account, and to be allowed what he had paid Arnold out of the purchase money. The Master reported all the 625*l.* paid for Blockley and Bourton, but Appellant having taken exceptions, Respondent was ordered to account for the whole 1,250*l.*, and afterwards to pay 578*l.* 6*s.* 2*d.*, though not a penny was due. The Cause being reheard, on a Bill of Review, on 30 May 1690, the Court, on reading the receipts for the purchase money, dismissed the Bill of Appellant, who has all along prosecuted his suit *in formâ pauperis*. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent. *Endorsed* as brought in this day.

(*b.*) 20 Nov. Petition of Appellant. Parliament was prorogued before Appellant could serve their Lordships' Order to answer on Respondent. Prays that the Appeal may stand revived, and that Respondent may be ordered to answer on an early day. *Signed* by Appellant. L. J., XV. 302.

(*c.*) 1 Jan. 1695-6. Petition of Respondent. The Appeal was dismissed by their Lordships on 5 Jan. 1693-4, but never mentioned the date of the Order appealed from. The date given in their Lordships' Order, as drawn up, is 2 March, 4 Jac., which is a mistake, the Appeal being from the Order of 30 May 1690, which dismissed the Bill. Appellant, by reason of that misrecital, insists that the Decree of 2 March is affirmed, and under that pretence has troubled Respondent in the Courts below. Prays that the Order may be rectified. *Signed* by Respondent. [Read and Judgment ordered to be amended accordingly this day (L. J., XV. 625). See also *Ib.* 335.]

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712. Feb. 20. Felony (Sureties for Persons pardoned) Bill.—Amended * Draft of an Act to repeal the Statute made in the Tenth year of King Edward the Third, for the finding of sureties for the good abearing by him that hath a Pardon of Felony. Identical, after amendment, with the Act of 1693–4 (5–6 W. & M. c. 13., Fol. Ed.) except in the following passages, where the Act omits the words in square brackets and adds those in italics, viz. :—

§ i. . . . Which Statute hath been found very inconvenient *in relation* to divers people, who have been *esteemed* fit objects of mercy, and therefore *the said Statute* hath been seldom put in practice, but for the most part hath been dispensed withal in the Charters of Pardon *that were granted in former reigns*, and forasmuch . . .

§ ii. Provided nevertheless, and be it enacted by the authority aforesaid, that if any Charter of Pardon be pleaded *by any person* for any [murder or other] felony, the Justices, before whom such Pardon shall be pleaded, may at their discretion remand or [continue] *commit* such person [in custody] *to prison, there to remain* until he *or she* shall [find] *enter into a recognizance with two sufficient* sureties for his *or her* being of the good behaviour for any time not exceeding [two] *seven* years. *Provided that if any such Charter of Pardon be pleaded by a fem Covert or infant, such fem Covert or infant may find two sufficient sureties, who shall enter into a Recognizance for him or her being of the good behaviour as is aforesaid.* [Read 1ª this day (L. J., XV. 237). The Amendments in C. W. H. are not recorded in MS. Min., but are marked on the Draft. The Bill was rejected after a first reading in the Commons on 23 Feb. (C. J., X. 824).]

713. Feb. 21. Churches' Repair Act.—Draft of an Act to make parishioners of the Church united contributors to the repairs and ornaments of the Church to which the union is made. Identical with Act (4 W. & M. c. 12., Fol. Ed.) [Read 1ª this day; Royal Assent 14 March. (L. J., XV. 241, 289.) Com. Book, 23 Feb.]

714. Feb. 21. Privilege of King's Servant (Sir J. Ashfeild).—Petition of Sir John Ashfeild, Bart. Petitioner, one of his Majesty's servants of the Privy Chamber in Ordinary, is in the custody of the Marshal of the King's Bench, having been arrested during the time of Parliament, without the leave or knowledge of the Lord Chamberlain. Prays for his discharge. [Read this day and ordered as prayed. L. J., XV. 242.]

715. Feb. 21. Dowager Lady Mohun's Privilege.—Petition of Phillips [Philippa], Lady Mohun. Petitioner's late husband, Charles, Lord Mohun, settled on his marriage certain lands on Arthur, late Earl of Anglesey, for a jointure for Petitioner. Since his death, about 15 years ago, the greatest part of his estate being in the possession of his mother Katherine, Lady Mohun, as her jointure, and there being great debts and encumbrances upon the rest of the estate, Petitioner has been forced to live in straits to support herself and her children Charles, now Lord Mohun, and Elizabeth Mohun. Katherine dying about April last, the lands in her jointure on her death, by the said marriage settle-

* The Amendments, as shown by the numbers in the margin of the Draft, are to add the words ("and by the authority of the same") after ("assembled") in § i., and to read ("for any time not exceeding two years") instead of ("for the time not exceeding two years") in § ii.

ment, devolved on Petitioner as part of her jointure. But Petitioner's son, by the assistance of one Reynold Couch, an Attorney, has seized the said lands and all the rest of the estate and, by menacing the tenants, has received the rents and profits, leaving Petitioner without support for a year and a half, and threatens her with privilege of Parliament and to keep her out of all these seven years to come. Prays their Lordships to order the Lords Commissioners to issue out their letter enabling Petitioner to proceed in the course of justice, the Commissioners being reluctant to do so without an Order from the House, lest they should commit a breach of privilege. *Signed:* Mohun. *Endorsed* as read this day; nothing done on it. No entry in L. J. [The House, after reading this Petition (MS. Min.), made the Standing Order declaring that Minor Peers and Widows of Peers shall not be allowed privilege of Parliament, saving their right of Peerage. L. J., XV. 241.]

716. Feb. 21. Minshull *v.* Carter.—Petition and Appeal of Richard Minshull, Esq., and Anne Minshull, Widow, his mother. The Commissioners of Charitable Uses in April 1691 decreed that Appellants, the executors, administrators, and assigns of the impropriate tithes of Bourton, should pay to the bailiffs of Buckingham 332*l.* 11*s.* 0*d.* arrears of certain charities in Buckingham, Beachampton, Calverton and Stony Stratford, for distribution as appointed by the Will of Sir Simon Bennet in 1631, the Decree being grounded on the supposition that testator was seized in fee of the said tithes and of three yard land of glebe, and had devised them for the Charities, and that the trustees for the Charities had leased the tithe and glebe in 1634 to Sir Richard Minshull, then lord of the manor of Bourton, for 500 years at a yearly rent of 100*l.*, which lease had been enjoyed by Sir Richard and his son Richard Minshull, Esq., and by Appellants. Appellants filed Exceptions in the Court of Chancery, and the Court on 16 Jan. last affirmed the Decree with interest and costs, although it was shown that Appellant's father, Richard Minshull, held the tithe by lease determinable on his life, and that his widow, in the infancy of the Appellant Richard, held the same by another lease from the trustees, and no proof was given that there was any such lease for 500 years, or any glebe. Appeal from this Decree. *Signed* by Appellants; *Countersigned* by Wi. Williams and Edw. Ward. L. J., XV. 242. [The Cause was heard and the Decree affirmed with 10*l.* costs on 4 March, *Sir William Williams* and *Mr. Ward* appearing for Appellants, and *Mr. Finch* and *Sir Thomas Powys* for Respondents. (MS. Min.; L. J., XV. 275.)]

Annexed:—

(*a.*) 27 Feb. Answer of Richard Harris and Henry Jones, on the behalf of the Poor and other Charities within the parishes and towns of Buckingham, Beachampton, Calverton and Stony Stratford. In 1631 Sir Simon Bennett, Bart., settled the impropriate rectory and tithes of Bourton, then leased to one Wells at 102*l.* rent, upon trustees for the benefit of the poor and other charities in the said parishes and towns. After his death the trustees received the rent till the end of Wells' lease in 1638, when they let a new lease for 500 years at 100*l.* a year to Sir Richard, the Appellant Richard's grandfather, to enable him to enclose the manor of Bourton, of which he was seized in fee, and which he thereby improved from 500*l.* to 1,000*l.* per annum, which he could not otherwise have done, the glebe lands belonging to the Rectory lying in the open fields and intermixt with the lands of the manor. Sir Richard paid the rent till 1645,

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when the boundaries and landmarks of the glebe-lands being confounded and destroyed, he took advantage of the troubles of the times and refused further payment for several years, and a Commission was awarded in 1648 to several gentlemen of the county, who found on Inquisition, among other things, that there were certain parsonage lands in Bourton called Hingewell, and that 523*l.* 12*s.* 0*d.* was due and in arrear to the Charities, which they decreed to be paid with the growing rents. This Decree was confirmed by the Court of Chancery on 15 June 1650, after hearing Exceptions taken by Sir Richard, who accordingly paid the arrears, and continued to pay the growing rents till his death, when he left the lease to attend the freehold and inheritance of the manor. His son Richard, the Appellant Richard's father, paid the rents, and so did Appellants after his death till 1686, when they refused to pay any longer, and thereupon another Commission was awarded, and the Decree made which was confirmed in Chancery last January. The two pretended leases were fraudulently taken by Appellants of a person who was not a trustee and had no power to grant them. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents; *Countersigned* by Tho. Powys and Jo. Bowes. *Endorsed* as brought in this day.

717. Feb. 23. Buttons (Importation) Act.—Petition of Humphry Simpson, of London, Merchant. Petitioner having long dealt in Hair Buttons, a great part of his estate consists in such as are already imported by him, and such as were ordered and contracted for in Holland before the Bill was brought in. The time limited for sale of all foreign buttons, which is 25 March next, is so short that it is impossible to sell those already imported. Prays to be heard against the Bill. L. J., XV. 245. [The Bill for prohibiting the importation of all foreign Hair Buttons was brought from the Commons and read 1ª on 22 Feb. (*Ib.* 244). In Committee on 24 Feb. the Bill having been read by paragraphs and agreed to, *Mr. Filmer* (for Petitioner) says the Act allows a time of bringing in buttons, but no time afterwards of vending them, which no Bill ever did before. We have contracted for above 4,000*l.* worth of buttons in Holland, which will lie upon our hands. This law is in effect a retrospect. He offers a Proviso, which is read. *Mr. Phipps:* The reason that hair buttons were not prohibited by the former Act was that there was then no such thing as hair buttons. Our horse-hair is exported to make buttons to bring hither. *Mr. Simpson* offers a letter from his correspondent, which he desires may be read. They withdraw. They are called in again and told the letters are not to be read, but they may speak what they please. *Mr. Filmer* gives the substance of the letters, which is that 4,000*l.* worth of buttons were contracted for before the Bill came in, and he cannot get off of his bargain. *Mr. Phipps:* He may sell his buttons in Scotland, Ireland or Spain, for we send such thither. They withdraw. The Proviso is read again. They are called in again, and asked, whether, when buttons are prohibited, the merchants will sell as good and cheap. *Mr. Phipps:* We sold as cheap when buttons were prohibited, as now. Now hair being exported, we cannot sell so cheap as when we kept it here. *Mr. Simpson:* I sold dearer after the prohibition by 20 per cent. than before. *Mr. Phipps:* Our buttons were ever judged better than foreign. *Mr. Simpson:* The English makers have 50*l.* per cent. advantage of me. *Mr. Phipps:* We will take off his hands all the buttons he has by him. They withdraw. After debate, the Proviso was rejected by 15 to 5 (Com. Book).

—On the third reading on 25 Feb., another Petition of Simpson* was read and rejected, and a Proviso being offered,† on *Question* whether this Rider shall be read a third time, it was resolved in the *Negative* by 26 to 16. (MS. Min.) The Bill then passed without amendment, and received the Royal Assent on 14 March. (L. J., XV. 249, 288.) 4 W. & M. c. 10., Fol. Ed.]

Annexed :—

(*a.*) 25 Feb. Engrossed Proviso as follows: Provided always and be it enacted by the authority aforesaid, That if any person or persons shall at any time after the passing of this Act sell or dispose of any such Hair Buttons at higher or greater rates or prices than the same have within four years last past been usually sold for, he or they so offending shall, on due proof thereof, forfeit all such Hair Buttons as he or they shall be possessed of, one half thereof to be for the benefit of the Informer, and the other half for the poor of the parish wherein such offence shall be committed. *Endorsed* as rejected this day. [*See* Notes above.]

(*b.*) 25 Feb. Petition of Humfry Simpson, that he may be allowed to sell such buttons as are or shall be imported within the time limited by the Act at any time before the end of June next. [Read this day in the House and, on question, rejected. L. J., XV. 249.]

718. Feb. 24. State of Ireland.—List of Witnesses ordered to attend this day, as well as on the 25th and 27th, to give an account, as far as they know, of the State and Condition of Ireland. L. J., XV. 247, 249, 251. *In extenso.* [The House being moved this day to consider the condition of Ireland (MS. Min.), ordered the first six witnesses to attend on the 28th (L. J., XV. 247), to whom the others were afterwards added. On 28 Feb. House *moved* to call in the persons. *Moved* that when they are called in, they be told that the Lords have summoned them to come here to give an account, as far as they know, of the present condition and state of the kingdom of Ireland. *Agreed* to acquaint them with the Order. *Sir John Magill* and *Sir William Gore* were then examined, the latter adding to his Deposition in L. J. (XV. 257) the following: "I have not been injured by any person. Our greatest grievance was the quartering of soldiers. . . . We are under a great misfortune, and now there are three parcels of Rapparees on it. I request on my own behalf that I may be despatched to go to my own estate, there being great disorders in the country." After an interruption to receive some messages from the Commons, *Sir Francis Brewster* was examined, and added to his printed Deposition (L. J., XV. 258) the following: "I know no great harm from the Justices . . . As for the City of Dublin there were complaints made to me of the Government's making them choose what Mayor the Government pleased. They choose the Lord Mayor according to his antiquity. L. Ormond never put it upon us. Mr. Robinson got a letter from L. Sydney to choose the same man Mayor again, and now they are told this man shall be Mayor these seven years." Asked concerning Col. Foulke's soldiers, he says: "I know what was said of that. There are some without, I presume, can; the Bishop of Meath and Col. Fitzgerald. The Captain's name was Pedor. Mr. Robinson, I have heard (*sic*)." Then, after an interruption to receive another message, the *Lady*

* Annex (*b*). † Annex (*a*).

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Ardglasse was examined, and added to her printed deposition (L. J., XV. 260–1) that Coy's troops gave her bills to 700*l*. . . . "I have never received sixpence satisfaction, though I abated prices from what was allowed." *The Bishop of Meath* came in and had the Order read to him, and said: "It is too difficult for me to give an account of the whole state. The Parliament grievances I shall represent; they are (1) The free quartering of the Army; (2) The disposal of forfeited lands and goods; (3) The exactions of fees by officers; (4) The matter of Protections granted. These are looked on as grievances. Of what the Commons did in those cases, I know of no particulars. As for quartering the Army, there has been much grievance. The Protestants murmur at the Protections. The sudden rising of the Parliament put a stop to all." Asked if he knows anything of Col. Foulke's soldiers being murdered, he says: "That his men were murdered is certain—that they were murdered by the combination of the people thereabouts, and I am of opinion they that suffered first, suffered very rightfully, though not perhaps according to the strict rules of law. The manner of their murdering was this: the men came scattering up and were decoyed into the Church, and there were a company of people that hanged them, one by one. The parties were examined and other evidences given in, and there was an Order by the Privy Council to execute them. I think the Order was given by the Lord Chancellor of Ireland. They were all hanged, the first in the Castle Yard, the others in the Market-place, in 1690 I think." Asked if he knew anything of the Additional Article concerning Limerick, he said: "I never knew anything of it." *Mr. Sloane* (*See* also L. J., XV. 261–5. *In extenso*): "I have a letter from Sir James Shannon's son." Reads a Petition, as it was presented to the Lord Lieutenant. "The dragoons now charge Petitioner's estate with their pay." Reads the Petition and Letter, which is dated the 3rd of this month. *Mr. Pultney* * was then examined (*See* L. J., XV. 267–71.) *Mr. Kerne* [? David Cairnes. *See* C. J., X. 833] was then called in and heard: "I have not been much in Ireland these four years. I was there a little. The King[dom] has laboured these four years under the calamity of war. The great complaint has been the subsisting of the Army; this was a great complaint. I have nothing of my knowledge, except as to the Parliament. We thought we had a good understanding with the Lord Lieutenant, and he with us. We were all friends to our country." (Not in L. J.)

On 1 March further witnesses were called in and examined as follows: —*Lieut. Stafford*: "I have resided in England 10 years only this war and action (*sic*). I was little there, and the state of the kingdom is above my sphere." *Col. Robert Fitzgerald* (*See also* L. J., XV. 266–7): "It is two years since I was in Ireland. I am ready to answer any questions, and I know nothing but by hearsay." Asked whether he heard anything concerning Col. Foulke's soldiers, he says: "Ten or twelve were put aside as most suspected of the murder. It appeared they were inveigled into the Church and hanged with withies. The two Lords Justices whispered together and then bade a provost be called, and a black Frenchman came in, and about an hour after he was hanged. He was not tried any other way. I went into the country, and when I came into the town, they told me Sweetman was to be hanged too, and his wife offered me his estate to save him. I said I could nor would do nothing in it. Sweetman is alive yet. I know not how he was saved, but one Mr. Culliford has his estate. I was a Commissioner

* He was Clerk of the Privy Council in Ireland. L. J., XV. 269.

of Forfeited Estates, and I reported it to the House of Commons." *Col. Frederick Hamilton* was then examined (*See* L. J., XV. 261.) *Richard Barry:* "I have been there but little these four years. I know little of it." *Col. Ingoldsby:* "I am another stranger to them. I have not been there this three years." *Mr. Annesley:* "I have not been in Ireland this three months. I will answer any question." Asked what he knows concerning quartering soldiers, he says: "Col. Echlin's regiment is quartered where I lived in the Barony. It would have come to 2 men to a ploughed land, and 6 were laid to me. I gave 5*s.* to each man for quarters. They said, when I complained, they had written to Dean Sing about it. The Dean was Deputy-Lieutenant of the County. The Dean would not take them off." *Moved*, That those who were here yesterday and this day do deliver in writing to-morrow what they said at the Bar,* and that they have notice thereof at their houses. *Ordered* accordingly. *Sir Francis Blundell* was then examined: "I have been out of the kingdom these nine years, until the last year. The quartering soldiers is the great grievance." (L. J., XV. 255; MS. Min.)

On 2 March, the Informations (Annexes (*a*) below) were delivered in by the Witnesses on oath. *Sir Francis Brewster*, having been sworn, was asked by the House what the "reasons" were that he said in his Paper (*See* L. J., XV. 258) he did not care to mention. He said the "reasons" were that several persons—Mr. Ivy, Quartermaster Flood, Mr. Haynes, Henry Davies and Mr. Corker†—were concerned in it, that were in the Government. "We look on what was done by the Justices [as] what was ordered by the Government." *Question* asked, whether he gave this Information in another place? He said, "No." He was ordered to put it in writing. Being recalled afterwards, he delivered in his additional deposition on oath. (Annex (*a*) No. 4 below.) *Mr. James Sloane*, having been sworn, was commanded to name those who said that, if money was not given, the Army must have free quarter. (*See* L. J., XV. 262.) [He says:] "Mr. Poultney and Mr. Davies. This was said in the House of Commons." *Col. Fitzgerald*, having been sworn, was asked what he knew concerning Sweetman? He says: "There came a woman to me; she said their relation, John Sweetman, she was afraid, would be hanged, and if I would save his life, I should have his estate, real and personal. I would not have to do with it. I heard his estate was in the hands of Mr. Culliford." Asked how many were hanged, he says: "I went out of town. There were four or five hanged. I presume they had some trial. I know not Gafney was not tried. This was before Limerick was taken." *Ordered* that he put in writing what he has said. Being recalled afterwards, he delivered in his Information on oath (Annex (*a*) No. 10 below).‡ House *moved* to consider of what has been heard, and what is fit to be done in this case. *Agreed* and *Ordered*, That upon Informations taken in this House upon Oath, it doth appear that within these four years last past, as well since the Peace as before, there have been exorbitant abuses, great mismanagement, and many arbitrary and illegal proceedings in the public affairs of Ireland. *Ordered* that the consideration of the state of Ireland shall be resumed on the 4th inst. (MS. Min.; L. J., XV. 271.)

4 March. Order read for considering the state of Ireland.—L. Mayor of Dublin; Hanging soldiers; Article of Limerick; Forfeited Estates; Free Quarters.

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* *See* Annexes (*a*). † *See* Annex (*b*).

‡ A cancelled entry in MS. Min. adds that "he complained that a Clerk had told him he would not write for an Irishman." *See* Annex (*c*) below.

1. Additional Article to the Articles of Limerick.

Agreed 2. Forfeitures in General.

Agreed 3. Free Quarter and money exacted.

Agreed 4. Methods of Exchequer altered.

Agreed 5. Death of soldiers near Dublin and execution of Gafney, etc. thereupon and the saving of Sweetman.

Agreed 6. L. Mayor of Dublin.

Agreed [7]. Embezzlement of Stores.

Agreed [8]. Giving Protections to Papists to have and carry arms more than allowed. *Reversing Outlawries.** Giving Papists Protections against suits of Protestants.

Agreed 1. Additional Article to the Articles of Limerick. Too much encouragement to Papists in Ireland.

Forfeitures of Real Estates.

Forfeitures of Personal Estates.

Committee appointed to draw an Address upon the Debate. (MS. Min.; L. J., XV. 274.)†—The Address was drawn by the Committee, E. Mulgrave in the Chair (Com. Book), and agreed to the same day. (L. J., XV. 274–5. *In extenso.*)

6 March. The motion for communicating the Informations to the Commons was negatived without a division, but with a Protest, without reasons, signed by 9 Peers. (MS. Min.; L. J., XV. 276.)

The Address was presented on the 9th, and the King's Answer reported and ordered to be printed the next day. (*Ib.* 279, 283.)].

Annexed:—

(*a.*) 2 March 1692–3. Informations of the following witnesses (11) concerning the state of Ireland (L. J., XV. 256–71. *In extenso*), viz.:—

1. Sir William Gore.
2. Sir John Magill.
3. Sir Francis Blundell.
4. Sir Francis Brewster.
5. Katherine, Countess of Ardglass.
6. Col. Frederick Hamilton.
7. James Sloane.
8. Sir Francis Brewster.
9. Francis Annesley.
10. Col. R. Fitzgerald (2 Papers.)
11. John Poultney.

[Delivered in on oath this day. *See* Notes to first Paper.]

(*b.*) 2 March. Paper endorsed "Oath given to the Gentlemen concerning Ireland." After a proposed form of words, as follows: "The contents of the Paper he believes to be true," the question agreed to be put to the witnesses is as follows: "What is mentioned in this Paper (to be of your own knowledge) is true, and what is upon hearsay, you verily believe to be true." *Underwritten* are the following names: Hen. Davis, Mr. Corker, Mr. Ivy, Mr. Haynes, Flood. [*See* Notes under date to first Paper.]

(*c.*) 3 March. Petition of Henry Lord. Petitioner is committed by their Lordships to the Gate-house for giving abusive language to a gentleman at the door of the House, who has since been pleased to grant him his pardon. Prays the House to pardon him and discharge him from custody. [Read this day (endorsed wrongly 3 Feb.), and Lord discharged. L. J., XV., 273. *See* Notes under date to first Paper. *Luttrell* (2 March) has the

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* These words in italics are expunged.

† The list of Lords as first proposed included E. Carlisle, E. Fauconberg, L. Wharton, L. Cornwallis, V. Newport, E. Chesterfield, The Lord Steward, L. Clifford, and L. Granville (MS. Min.)

following: "One of the Clerks of the Lords' House rudely denying a paper to Col. Fitzgerald in the hearing of the Bishop of Exeter, the bishop complained thereof, on which the Clerk was sent to Newgate, notwithstanding the intercession of the Colonel, the Earl of Oxford, and the Marquess of Halifax."]

719. Feb. 25. D. Somerset's Privilege (T. Heron).—Paper stating (1) that Mr. John Smith will be called to prove that Heron told both Watson and Hall he was the Duke's servant, when he, namely, Thomas Heron, of Corbridge, Northumberland, Gent., Bailiff to the Duke of Somerset, was arrested at the suit of John Watson, of Westminster, Scrivener, on 20 Jan. 1692, and taken into custody by Isaac Hall, an officer of Wood Street Compter, who detained him, though told he was a servant of the Duke, until he gave security to Watson; and (2) Edward Mason and Tho. Morly to prove that Heron was arrested on 8 Feb. at the suit of George Dent, Innholder without Bishopsgate, who was his security to Watson, by order of William Harrison, a Solicitor, and taken into custody by John Cooke, a Sheriff's bailiff, who detained him, notwithstanding he told them he was the Duke's servant, until he gave bail to the action. L. J., XV. 248. [It appears from MS. Min. that Mason and Morly were Heron's bail, and were examined on oath this day, and further that Smith was examined on the 27th.]

Annexed:—

(*a.*) 4 March. Petition of John Watson. Begs pardon for his offence, and prays to be discharged without fees, which he is wholly unable to pay, the matter having already cost him 5*l.* L. J., XV. 274.

720. Feb. 25. L. Baltemore *v.* Blakiston and another.—Petition and Appeal of Charles, Lord Baltemore. Sir William Blakiston, Bart., on his marriage with Mary, a daughter of Cecil, L. Baltemore, Appellant's father, whose portion was 2,000*l.*, agreed to settle on her, for her jointure, the manor of Gibside, Durham, free of all incumbrances, with remainders in tail on her issue, with a covenant that the jointure estate was 300*l.* a year and all the estate to be settled was 600*l.* a year, and that L. Baltemore should, in lieu of the portion, convey to Sir William and his heirs the sixth part of the Hundred of Christchurch and Westover, co. Southampton. The jointure estate, however, being found to be greatly encumbered and not of such yearly value, and Sir William's creditors having got possession of his whole estate, L. Baltemore maintained him and his family for several years, and Dame Mary, after much ill usage and for want of necessaries, was constrained to return to her father, with whom she continued till her death, and L. Baltemore having paid large sums to and for Sir William, it was agreed that the sixth part of the Hundred of Christchurch should be settled to the use of his Lordship and his heirs until Sir William had discharged all incumbrances on his estate and his Lordship was reimbursed what he had paid for Sir William or his Lady or for their maintenance. The said sixth part was accordingly sold in 1665 for 2,333*l.* 6*s.* 8*d.*, which his Lordship received, and let Sir William and his Lady have 300*l.* of the purchase money, and also, to secure some part for the maintenance of Dame Mary, settled the manor of Danby Wiske, worth 300*l.* a year, and the advowson of Danby for securing the 2,000*l.* portion, to the use of himself and heirs, till Sir William discharged his incumbrances and repaid what his Lordship expended for him and his wife, with a proviso to be void on payment of 2,000*l.* within three months after such discharge and repayment, and the

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profits of the 2,000*l.* were to be disposed as Dame Mary should direct for her maintenance. L. Baltemore for some years kept the 2,000*l.* in his hands, in hopes Sir William would discharge the incumbrances and make a settlement, according to the Articles, and so receive the portion, and in that time paid various sums for him and the growing interest of the 2,000*l.* to his Lady. Sir William, falling into some misfortune, whereby his life was in danger, from which he was delivered by his Lordship's endeavours, made a settlement of Gibside, by which Dame Mary was to receive 200*l.* a year out of the same, but could not receive it by reason of the incumbrances. Sir William never discharged the incumbrances, and his Lordship paid the profit of the 2,000*l.* to Dame Mary or her order till her death in 1671. His Lordship had before, in 1663, settled Danby Wiske on Humphrey Weld and others to the use of himself for life, and after to Mr. Weld and other trustees for 99 years, and then to Appellant in tail male, the remainder in fee to him. The said term was declared to be in trust, after his Lordship's death, to pay such legacies as he should leave by his will, and for payment of 2,500*l.* to his daughter Elizabeth, and his Lordship by his will appointed the payment of that sum to her and 160*l.* a year till payment thereof, and 120*l.* a year to one Burk and Pearson for 99 years after his death, and declared the premises to be in trust for payment thereof. In 1675 his Lordship died, Sir William owing him 400*l.* for moneys expended for him, and above 1,500*l.* for other moneys paid for his debts. Appellant, by consent of the trustees, paid the 2,500*l.* to Elizabeth and all the arrears of the 160*l.* and 120*l.*, and was thereby a purchaser for a valuable consideration. In 1678 Sir William brought a Bill in Chancery against Appellant for the 2,000*l.*, but Appellant, after putting in a plea, went to Maryland and did not return till 1684. After some irregular proceedings by the Plaintiff, the Cause was heard *ex parte* on 27 June 1679, and Sir William obtained a Decree and Report for payment of 3,844*l.* 11*s.* 3*d.* and costs, without any allowance for the interest of the 2,000*l.* paid to Dame Mary or for what his Lordship had paid for Sir William, and Appellant is foreclosed of redemption of the manor of Danby Wiske for non-payment of the sum reported due. Sir William, after the Decree, took possession of the said manor, and since his death, Sir Francis Blakiston and Thomas Moore, Junior, have received the rents, as his heirs or devisees or assignees, and threaten to sell the premises. Appellant after his return to England, brought a Bill of Review, which was dismissed. Prays that the Decree and Dismission may be reversed, and an account taken with proper allowances, and that Respondents may be ordered to answer. *Signed* by C. Baltemore; *Countersigned* by Tho. Powys and Edw. Ward. L. J., XV. 249. [The Cause was heard on 6 March 1693–4. *Sir Bartholomew Shower* (for Appellant): This dismission was irregular, and so was the first decree. *Mr. Gibbons* (for Appellant): We have an instrument of a special appointment. *Mr. Filmer* (for Respondents) is heard. Decree affirmed. (MS. Min.; L. J., XV. 386.)]

Annexed:—

(*a.*) 17 Nov. 1693. Petition of Charles, Lord Baltemore, of the Kingdom of Ireland. Respondents have been served with their Lordships' Order of 25 Feb. last, but Parliament was prorogued before they put in their Answers. Pray that a further certain time may be appointed for them to answer. L. J., XV. 300.

(*a*[1].) 17 Nov. Paper containing (1) Copy Order of 25 Feb. 1692–3, and (2) Affidavit of Leonard Robinson, of Scorton, Yorkshire, deposing to service of said Order on Cuthbert Rowes, chief steward and brother-in-law of Sir Francis Blakiston, at

Gibside, and on the Respondent Moore, sworn 2 May 1693 before Thos. Bendlowe, Extraordinary Master in Chancery. [Appended to preceding.]

(*b.*) 9 Jan. 1693–4. Petition of Same. Respondents have been served with the Order to answer, as appears by the Affidavit annexed, but have not complied with it, More pretending that he does not dwell at his father's house, where the Orders were left for him, and refusing to discover his place of abode. Prays that Respondents may be ordered to answer, etc. L. J., XV. 337.

(*b*[1]) 9 Jan. Paper containing (1) Copy Order of 17 Nov. 1693, and (2) Affidavit, referred to in preceding, of Leonard Robinson, of Scorton, Yorkshire, sworn 28 Nov. 1693 before Thos. Bendlowe. Deponent states that he served the order on the Respondent Moore's brother Zacharias, and his father Thomas at Loftus; that then, having been informed by the Respondent Sir Francis' steward, William Ridley, at Gibside, that Sir Francis was at Sir William Rowes' at Streatham Castle, he served the order there on Sir William, who communicated it to Sir Francis. [Appended to preceding.]

(*c.*) 19 Jan. Petition of Thomas More, Gent. Petitioner, on receiving their Lordships' Order on the 14th inst. at York, prepared at once to come to London, as appears by the annexed Affidavit, to have his Answer drawn, and hopes to arrive there by the 20th. Prays for further time to answer. *Signed* by Marmaduke Norcliffe, by order of Petitioner. L. J., XV. 347.

(*c*[1].) 19 Jan. Affidavit of Thomas More, referred to in preceding Petition, stating that he received on 14 Jan. a letter from George Bowes, of the Middle Temple, acquainting him with the order to answer, upon which he started at once for London. He had had nothing served on him since the Prorogation. *Sworn* 14 Jan. 1693–4 before Geo. Prickett, Extraordinary Master in Chancery.

(*d.*) 26 Jan. 1693–4. Several Answer of Sir Francis Blakiston, Bart. Respondent's late brother, Sir William, died seized of an estate in fee in the manor of Danby Wiske, with the advowson, &c., which he left by will to his nephew Thomas More, subject to the payment of his debts and certain legacies, and More has, since his death, been in possession. Sir William died without issue, and Respondent is his brother and heir-at-law, but was no ways privy to or made acquainted with any of the matters in question, which relate to a time long before he came into possession of any part of the estate, and which he leaves to the other Respondent to answer. Prays costs for this causeless prosecution. *Signed* by Respondent; *Countersigned* by Geo. Bowes. *Endorsed* as brought in this day.

(*e.*) 26 Jan. 1693–4. Answer of Thomas More, Gent. Respondent does not know that Sir William's estate was encumbered, and does not believe that L. Baltemore maintained him or his family, or disbursed any sums for him or his wife, unless he did so out of Sir William's own estate, the rents, &c. of which, amounting to 1,200*l.* a year, his Lordship received, as a trustee. The manor, &c. of Danby Wiske, which were settled for securing the 2,000*l.* portion, fell far short of 300*l.* a year, as at present. Sir William discharged all incumbrances, and settled his estate according to the marriage agreement, but L. Baltemore failed to pay the 2,000*l.* and interest according to the terms of the mortgage or security of Danby

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Wiske, whereupon Sir William brought his Bill for payment or foreclosure, and obtained a Decree from L. Chancellor Nottingham. On the Bill of Review before L. Chancellor Jeffreys it appeared that L. Baltemore died indebted above 6,000*l.* to the estate, besides the 2,000*l.* upon the mortgage, but Appellant refused to go to an account, as a condition of re-opening the decree, which was thereupon affirmed. Sir William, being duly in possession, after Appellant was debarred of the equity of redemption, devised Danby Wiske in trust to be sold to pay legacies of above 1,050*l.*, the profits to be applied to discharge the interest of them in the meantime, and the surplus in trust for Respondent, being his sister's son. The settlement of Danby Wiske in 1663 by the late L. Baltemore was made with power of revocation, and is apparently fraudulent and void against purchasers, otherwise it would be hard to give a good account of the late L. Baltemore's mortgaging the same to secure the marriage portion, to which mortgage, moreover, Appellant was privy. The rest of the Appeal does not concern Respondent. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent; *Countersigned* by Sam. Dodd. *Endorsed* as brought in this day.

(*f.*) 27 Feb. 1693–4. Petition of Appellant. Respondents, after many delays, have answered. Prays for a short day for hearing. L. J., XV. 379.

721. Feb. 27. Goodwyn's Estate Act.—Consent of Thomas Bouchier, Principal of Alban Hall, in the University of Oxford, Doctor of Law, and Thomas Fetherston, of Packwood, Warwickshire, Esq., the Trustees of the marriage settlement, to the passing of the Bill to enable Thomas Goodwyn the younger to sell lands for the payment of debts, and making provision for his wife and children. *Dated* 18 Nov. 1692. Signed and sealed, but not attested. [Read this day in Committee (Com. Book). The Bill was brought from the Commons on Feb. 20, and read 1ª the next day; Royal Assent 14 March. (L. J., XV. 238, 241, 289.) 4–5 W. & M. c. 34. in Long Calendar.]

Annexed:—

(*a.*) 27 Feb. Consent of Elizabeth, wife of Thomas Goodwin, the younger. *Dated* 22 Nov. 1692. *Attested* by Wm. Blencow. [Read this day in Committee. Com. Book.]

722. Feb. 28. Parliamentary Elections (False Returns) Bill.—Commons' Engrossment (marked by the Lords for amendment)* of an Act to prevent [false and] double returns of members to serve in Parliament. Identical with the Act of 1695–6 (7–8 W. & M. c. 7., Fol. Ed.), except in the following particulars, viz.:—

Engrossed Bill.	Act of 1695–6.
Clause 1.	Sect. i.
. . . the King and Queen's Most Excellent Majesties† . . .	Line 5. . . . the King's Most Excellent Majesty† . . .
. . . any Member, Knight of the Shire, Citizen, Burgess or Baron of the Cinque Ports . . .	Line 8. . . . any Knight of the Shire, Citizen, Burgess, Baron of the Cinque Ports, or other member . . .

* The Amendments, which are to omit the words included in square brackets, are taken from Com. Book (11 March), and are identified by reference numbers in the margin of the Engrossment. None of them, except the omission of Clause 4 of the Bill, were retained in the subsequent Act.

† And so consequentially throughout the Bill.

Engrossed Bill.	Act of 1695–6.
Clause 1—*cont.*	Sect i.—*cont.*
. . . and in case that any person or persons shall return any Member to serve in Parliament for any County, City, Borough or Cinque Port, contrary to [the last determination in the House of Commons of] the right of Election in such County, City, Borough or Cinque Port, that such . . .	Line 9. . . . and in case that any person or persons shall return any Member to serve in Parliament for any County, City, Borough, Cinque Port or place, contrary to the last determination in the House of Commons of the right of Election in such County, City, Borough, Cinque Port or place, that such . . .
Clause 2.	Sect. ii.
. . . that shall have been duly elected to serve in Parliament for any County, City, Borough or Cinque Port by such . . . . . . double the damage . . .	Line 1. . . . that shall be duly elected to serve in Parliament for any County, City, Borough, Cinque Port or place by such . . . Line 4. . . . double the damages . . .
Clause 3.	Sect. iii.
. . . if any Officer shall [falsely and maliciously] return . . .	Line 1. . . . if any Officer shall wilfully, falsely and maliciously return . . .
[Clause 4. Provided that if the House of Commons do determine any person to be duly chosen, then such determination shall not again be drawn in question in any information, suit or action whatsoever.]	
Clause [5] 4.	Sect. iv.
. . . such contract, security, promise or bond . . .	Line 3. . . . such security, contract, promise or bond . . .
Clause [6] 5.	Sect. v.
And for the more easy and better proof of such [false or] double return . . .	Line 1. Same as in Bill.
. . . relating to such [false or] double return . . .	Line 8. Same as in Bill.
. . . House of Commons, or shall neglect or omit . . .	Line 13. . . . House of Commons, or give any Certificate of any person not returned, or shall wilfully neglect or omit . . .
. . . parties concerned the sum of two thousand pounds . . .	Line 15. . . . parties aggrieved the sum of five hundred pounds.
Clause [7] 6.	Sect. vi.
. . . within the space of twelve months . . .	. . . within the space of two years . . .

Parchment Collection. [Brought from the Commons this day, and read 1ª on 2 March (L. J., XV. 253, 256). On 10 March, after a Message of reminder from the Commons, the Bill was reported without amendment, as ordered in Committee on the 8th (Com. Book), and recommitted (L. J., XV. 284), the MS. Min. adding an expunged entry "to the same Committee, tomorrow." On 11 March, the House being moved "that a time might be appointed for the Bill," it was ordered to be recommitted to the same Committee that afternoon at 4 o'clock, and the Lords present were added to the Committee (MS. Min. No entry in L. J.). The Bill was amended in Committee, on recommitment, as marked above (Com. Book, 11 March), and reported with the amendments on the 13th, when, on *Question* whether to agree to the Amendment in Clause 1, omitting the

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words ("the last determination in the House of Commons of"), it was resolved in the *Negative*. Contents 17; Not-Contents 25. Tellers, E. Feversham and E. Marlborough. The remaining Amendments were then disagreed to, and the third reading, on question, negatived without a division. (MS. Min.; L. J., XV. 286.)]

723. Feb. 28. Sea-water Freshening (Walcot's Patent) Bill.—Commons' Engrossment of an Act for the making Sea-water fresh, clear and wholesome. The Bill, which is to restore to William Walcot, Esq., his rights for 14 years under the Letters Patent of Charles II. in 1675 in respect of an invention for making putrified and salt water fresh and fit for use, which had been interfered with by some persons who obtained other Letters Patent in 1683, is substantially the same as the Act of 1694 (6–7 Will. III. c. 40. in Long Calendar) except in allowing Walcot a term of 14 years from 25 March 1693, instead of 31 years from 10 April 1695, and making the penalty at the end of Sect. i. five shillings instead of five pounds.

Parchment Collection. [Brought from the Commons this day and read 1ª on 2 March (L. J., XV. 252, 256). The Com. Book contains the following:—6 March (E. Bridgewater in the Chair). The Bill is read by paragraphs. *Mr. Walcot* and *Counsel* are called in. *Ordered* that all persons concerned be heard tomorrow, as well the Petitioners as the Company of Stationers. 7 March (E. Bridgewater in the Chair). The Bill is read by paragraphs. The Parties are called in. *Sir Thomas Powys* produces a letter from Col. Fitzgerald, who was to have notice and to be heard, wherein he desires two or three days longer time, since his Counsel is gone on circuit. He was heard in the Commons. The Committee then ordered the Bill to be reported without amendment. The Report was made the same day, when leave was given to Robert Fitzgerald on his Petition* to be heard against the Bill (L. J., XV. 278). On 8 March the Committee was revived, to meet the next day (MS. Min. No entry in L. J.), and in Committee, on 9 March, E. Bridgewater in the Chair, the Parties were called in. *Sir Bartholomew Shower* (for Mr. Fitzgerald) says that Mr. Walcot's Patent is expired. He desires no right to be confirmed, but a right to be given him. We have the testimony of the College of Physicians that we make salt-water fresh. We pray a saving of our right to our invention. *Mr. Holles:* We have expended great sums, and we have five or six years yet to come. He produces an Order of Council, dated 31 Oct. 1683, for vacating Mr. Walcot's Patent, which is read. We have Patents from France and Denmark. *Sir Thomas Powys* (for Mr. Walcot): We have the Certificate of the King's Master Builder of the usefulness of our invention. They can make no water that is good. We have Patents from the States General. The invention must be totally lost if we have not an Act. The King can grant no further time, and no man in England can do it but Mr. Walcot. A Certificate under L. Chandos' hand of his having kept some of Mr. Walcot's water sweet for 7 years [is read]. They withdraw. *Ordered*, that Col. Fitzgerald have leave to bring a saving of his right, to be considered tomorrow. On 10 March (E. Stamford in the Chair) the Parties were called in. *Col. Fitzgerald* refuses to offer any Proviso, as was yesterday directed, but offers a Proposal, which he says was made to Sir Thomas Powys. The Proposal was read and given him back. *Ordered* to report matter of fact.

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* No **729.**

(Com. Book.) The Bill was reported the same day without amendment, but after a debate, the third reading was negatived without a division. (MS. Min.; L. J., XV. 284.)]

724. March 4. Expiring Laws (Licensing Act, &c.) Continuance Act.—Petition of several Booksellers, Bookbinders and other dealers in books and printing. Pray to be heard against the Bill, brought up from the Commons, for the reviving, continuing and explaining several laws therein mentioned, which were expired or near expiring, one of which is an Act for Regulating of Printing, &c.,* containing some Clauses which Petitioners conceive to be very injurious to trade, and an encouragement to monopolies and other grievous oppressions contrary to equity and justice. *Signed*, on behalf of themselves and divers others, by Charles Brown, Joshua Waterhouse, Robert Crofts, John Allen, John Ford, Sam. Cook, Robert Terry, Samuel Hurst, Peter Parker, Francis Robinson, Edward Moore, Paul Griffith, Peter Richmond, William Hull and John Browne. [Read this day, and referred to the Committee on the Bill (L. J., XV. 275). The Bill was brought from the Commons on 28 Feb., and read 1ª on 3 March (L. J., XV. 252, 271). A Select Committee had been appointed by the Lords on 12 Dec. 1692 to inspect such Acts as would expire at the end of the Session (L. J., XV. 144). This Committee was "revived" on 15 Dec. (MS. Min. No entry in L. J.), and met on the 16th, with the Bishop of London in the Chair, but only to adjourn till the next day. (Com. Book.) No further proceedings are recorded.† In Committee on the Bill on 6 March (E. Bridgewater in the Chair), the Bill was read by paragraphs. First enacting Clause postponed. A Clause relating to poor Prisoners is offered. A Clause relating to Quakers taking Administration, &c.

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* With reference to the libel "King William and Queen Mary Conquerors," which had been licensed by Bohun, the Censor appointed by this Act, the MS. Min. supply some new particulars. On 20 Jan. 1692–3, information being given of the Book, Bohun and Baldwin, the printer, were ordered to attend. (L. J., XV. 192.) On 23 Jan. 1692–3 *Richard Baldwin* was called in, and asked if he was printer of the Book. He says: "About 17 days since, one Bentley sent me the book in manuscript, and he said, if I could get it licensed, I should have half the profit. I carried it to Mr. Bohun, and left it with him. He called on me the next day, and said he had read it, and it was a very good book, and he longed to have it printed, and he would license it, and he did license the printed book. I procured it to be printed by Mr. Bohun's license. I desired the title might be altered. He said 'No; it will invite the Non-Swearers to read it.'" (MS. Min.) *Ordered* that he be discharged. *Ordered* that Bentley attend this House tomorrow at 10 oclock. (L. J., XV. 195)—On 24 Jan. *Bentley* came to the Bar, and being showed the book, he said: "I know the book. I did not print it. I received it in a letter from the Stamford carrier. The original I have. I sent it to Mr. Baldwin, and Mr. Bohun licensed it, which is all the security we have." He reads the title out of his papers. The print is according to the manuscript; he says it is. He says he knows not who wrote it. The letter received with the book is read. A debate arose concerning burning the book. A book mentioned of this kind. An Answer to Ashton's [?] Speech. *Ordered* that the book shall be burnt by the hands of the Common Hangman tomorrow, between the hours of 12 and 1 oclock. *House moved that a Vote be made in relation to this Case; this a Declaration contrary to the title of the book.* [These words in italics are expunged.] Select Committee appointed, as in L. J., XV. 197, to draw a Resolution upon the debate. [The proceedings of this Committee are not recorded.]—*Eod. die.* E. Shrewsbury reported from the Committee the Resolution, which the House agreed to and ordered to be communicated to the Commons, to whom a Message was sent desiring a Conference for that purpose. (L. J., XV. 198.) The further proceedings are given in L. J., XV. 199, 200.

† A similar Committee had been appointed in 19 and 30 Car. II. (L. J., XII. 120, and XIII. 228), but in the latter case without any report being made.

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without Oath * is read. *Agreed* to the Printing Act, except the first enacting Clause. *Ordered*, that Petitioners and the Printers be heard tomorrow. (Com. Book.)

On 7 March (E. Bridgewater in the Chair), the Booksellers and Bookbinders are called in, as also the Company of Stationers. The paragraph relating to continuing the Printing Act is read. *Mr. Atwood* (for the Booksellers): This Clause is the grossest injury to property that ever was passed in an Act. He offers Affidavits of Peter Parker,† John Guy,‡ and John Ford § concerning the abuse of printing, which are read. He offers a Clause to be added to the Bill, which is read.‖ They withdraw. *Question:* Whether to pass the paragraph? Contents 9; Non-Contents 1. Resolved in the *Affirmative*. First enacting Clause read and agreed to, and ordered to be reported. (Com. Book.)

The Bill was read 3ª on 8 March, when a Rider was offered to be added, concerning searching Peers' houses, but rejected, the Contents being 21, and Not-Contents 25. Tellers: E. Shrewsbury and E. Bridgewater. Another Proviso was then offered to be added, that if the name of the author or printer be added to the book, it may be printed. This Proviso was also rejected; Contents 18, Not-Contents 26. Tellers as before. The Bill was then passed, on question, without a division, but with a Protest against rejecting the Provisos, signed by 11 Peers, of whom E. Shrewsbury was one. (MS. Min.; L. J., XV. 280.) It received the Royal Assent on 14 March. (*Ib.* 288.) 4 W. & M. c. 24., Fol. Ed.]

Annexed:—

(*a.*) 6 March. Clause relating to the Quakers, as follows: "And whereas there are certain persons called Quakers, who scruple the taking any oath in any case, who may be made executors of any will or testament, or ought of right to take administration, Be it enacted, That such person or persons producing a certificate under the hands of six of the congregation to which he, she or they do belong, owning them as such, having good and sufficient witnesses to testify the truth of such will and testament, and solemnly promising to perform the same, shall be admitted to prove such will in the Prerogative or any other Court, wherein such will or testament of right ought to be proved, and make answer in Chancery concerning the same without Oath; And such person or persons producing such Certificate, having right to administration, giving sufficient security that he or she will truly administer and solemnly promise to perform the same, shall be admitted to be an administrator, and be liable by this Act as other executors and administrators of executors and administrators are liable; And in case such person or persons, so solemnly promising, shall be found guilty of breaking their solemn promise, that then such person shall be liable to undergo such pains and penalties as is inflicted upon false or perjured persons, being duly convicted thereof." *Endorsed* as read this day and rejected. [See notes above.]

(*b.*) 7 March. Affidavit of Peter Parker, of London, Stationer, that upon searching about April 1691 the Register-book of the

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* Annex (*a*).

† Annex (*b*).

‡ See 11th Report, Appendix Part II., No. **409**, where the Affidavit is given under the date when it was sworn (5 July 1684), nothing having then appeared to connect it with the proceedings on this Bill.

§ Annex (*c*).

‖ Annex (*d*).

Stationers' Company for several entries of books he had caused to be made therein, the property whereof he had by purchase, license and entry lawfully acquired, viz. (1) Supplications of Saints; (2) Christ's famous Titles; (3) A Cabinet of Jewels; (4) Christ's voice to London, he failed to find the same, but found several leaves rent out of the Register-book about the date or time of the entry of most of the said copies, as appeared to him by the precedent and following entries. Deponent also saw several of his copies entered again to other persons, viz. some of them to Jonathan Robinson, and, as Deponent remembers, another of the books was again entered to Robert Horn. Deponent has been informed, and believes it true, that several Popish books and other scandalous books are now standing entered in the said Register-book. *Sworn* 6 March before Rob. Legard. *Endorsed:* Peter Parker's Affidavit about the Register-book. [Read in Committee this day.]

(*c.*) 7 March. Affidavit of John Ford, of London, Stationer, that about two years since he bought and received from Mr. Hill, Warehouse-keeper to the King's Printing Office, many Cans [? Caen] Bibles and many books of Psalms, which he believes, and has been informed, had been formerly seized by virtue of the Letters Patents to the King's Printers and the Company of Stationers, supported by the Act for Printing. *Sworn* 4 March 1692 before Ad. Ottley. *Endorsed:* John Ford's Affidavit about the selling of seized books by Patentees. [Read in Committee this day.]

(*d.*) 7 March. Provisos relating to printing as follows:—"Provided nevertheless that neither the said Act nor anything therein contained shall extend, be deemed or taken to give force or confirmation to any Letters Patents to the prejudice of the property or properties of any person or persons in any book, pamphlet or paper already printed or hereafter to be printed, and that no owner or owners of any book, pamphlet or paper shall lose his right by reason of any false entry or entries in the Register-book of the Company of Stationers in the said Act mentioned. Provided also that no Bible, Common Prayer Book or Psalms, at any time past seized by virtue of the said Act and sold by the seizor or seizors, or any other person or persons with his or their privity, shall be liable to any farther or other seizure or penalty." *Endorsed* as read this day. [See notes above.]

725. March 4. Privilege of King's Servant (R. Hargrave).—Petition of Richard Hargrave, Esq. Petitioner on 16 Jan. 3 W. & M. was sworn and admitted as one of the Gentlemen of the Privy Chamber in Ordinary to his Majesty, as appears by the L. Chamberlain's certificate, and has ever since so continued. He has been arrested, within the time of privilege of Parliament, at the suit of Robert Richardson, Eliz. Thomas and Charles Napier. Petitioner has had to procure bail for his appearance in the suits of Richardson and Napier, and by force of his arrest in the suit of Eliz. Thomas he is now a prisoner in the Fleet. Prays for his release and for the discharge of his bail. [Referred this day to the Committee for Privileges. L. J., XV. 274. No further proceedings.]

726. March 6. Lotteries Prohibition Bill.—Commons' Engrossment of an Act for the prohibiting the use of all Lotteries. The Bill, which consists of one Clause, is identical with the first three Sections of

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the Act of 1698 (10 Will. III. c. 23., Fol. Ed.), except that the Act omits the words of the Bill included below in square brackets, and adds those in italics,* viz. :—

Sect. i. of Act.

Whereas several [covetous and] evil disposed persons, for [about thirty] *divers* years last past, have [for their own private gain and advantage] set up [several] *many* mischievous and unlawful games called Lotteries, [and] not only in the Cities of London and Westminster and in the suburbs [of] *thereof* and places adjoining, but in most of the eminent towns and places in England and in the Dominion of Wales, have *thereby* most unjustly and fraudulently got to themselves great sums of money from the children and servants of [the] several gentlemen, traders *and* merchants, and from [all other sorts of] *other* unwary persons, to the utter ruin and impoverishment of many [persons, their estates and] families, and to the [prejudice and affront of their Majesties, their] *reproach of the English* laws [good subjects] and government, [and that some of the said persons, the better to cover and perpetuate their said evil practice, have, in the reign of King Charles the Second and since, obtained], *by colour of* several Patents or Grants under the Great Seal of England for the said Lotteries or some of them, [and more particularly for one Lottery called the Royal Oake Lottery, more grievous and mischievous than any of the rest, all] which *said* Grants or Patents are against the [law of the land and against the] common good, trade, welfare and peace of [their Majesties'] *his Majesty's* Kingdoms [and Dominions, many riots and murders having been committed by reason of quarrels happening at the said unlawful games,] For remedy whereof, Be it enacted, *adjudged and declared*, and it is hereby enacted, *adjudged* and declared by the [King and Queen's] *King's* most excellent [Majesties] *Majesty*, etc., That *all such Lotteries and all other Lotteries are common and public nuisances, and that* all Grants, Patents and Licences for such Lotteries or any other Lotteries [and games of the nature of Lotteries] are *void and* against law.

Sect. ii. of Act.

And *be it further enacted by the authority aforesaid* that from and after the [five] *nine* and twentieth day of [March] *December*, which shall be in the year of our Lord God one thousand, six hundred, ninety [three] *nine*, no person or persons whatsoever shall publicly or privately [erect] *exercise*, keep open, show or expose to be played at, [thrown at, or] drawn at, *or thrown at*, or shall draw, play or throw at, any *such* Lottery or [game of the nature of] *any other* Lottery, *either* by dice, lots, cards, balls or any *other* numbers or figures *or any other way whatsoever ;* and that every person or persons that shall after the said [five] *nine* and twentieth day of [March] *December*, *exercise*, expose, open or show to be played, thrown or drawn at, any *such* Lottery, Play or Device or [Game of the nature or kind of a] *other* Lottery, shall forfeit for every such offence the sum of five hundred pounds, to be recovered by information, bill, plaint or action at law in any of [their Majesties'] *his Majesty's* Courts at Westminster, wherein no essoigne, wager of law nor [no] more than one imparlance shall be allowed, one third part thereof to the use of [their Majesties] *his Majesty*, [their] *his* heirs and successors, one other third part thereof to the use of the poor of the [parishes] *parish* where such [offences] *offence* shall be committed, and the other third part thereof, together with [full] *double* costs, to the Party that shall inform and sue for the same, and the said Parties so offending shall likewise be prosecuted as common rogues, according to the [Statute] *Statutes* in that case made and provided.

Sect. iii. of Act.

And *be it further enacted* that every person or persons, that after the said [five] *nine* and twentieth day of [March] *December*, shall play [at], throw [at] or draw at any such Lottery [or game of the nature of Lottery] *Play or Device or other Lotteries*, shall forfeit [and pay a fine or penalty not less than forty shillings and not exceeding twenty pounds] for every such offence [(proof thereof being first made before some Justice of Peace upon oath, which oath the said Justice is hereby empowered to administer)] *the sum of twenty pounds, to be recovered by information, bill, plaint or action at law in any of his Majesty's Courts at Westminster, wherein no essoigne, wager of law nor any more than one imparlance shall be allowed, one*

* The Act, which passed without any amendments in either House, added also a Proviso (Sect. iv.) for the remainder of the term in the Royal Oak Lottery, and another (Sect. v.) for the Charitable Adventure for the benefit of Greenwich Hospital.

third part thereof to the use of his Majesty, his heirs and successors, one other third part thereof to the use of the poor of [such] parish [or place] where such offence shall be committed, *and the other third part thereof, together with double costs, to the Party that shall inform and sue for the same* [such fine or penalty to be levied by warrant under the hand and seal of any Justice of Peace of any county, riding, city, town or place where such offence shall be committed, and for want of sufficient distress, such Justice shall and may commit such person to the common gaol for any time not exceeding the space of thirty days, there to remain, unless he or she shall within that time pay the said fine or penalty, not under forty shillings and not exceeding twenty pounds, to the use aforesaid.]

Parchment Collection. [Brought from the Commons this day, and read 1ª the next. (L. J., XV. 276, 277.) The Bill was read 2ª on 9 March, without hearing the Petitioners against it, as previously ordered on their Petitions; * but the commitment and third reading were then negatived, on question, without a division. (M.S. Min.; L. J., XV. 281.)]

727. March 7. Lotteries Prohibition Bill.—Petition of Henry Acourt, Joseph Arnold, Charles Fitzherbert, Henry Wellington, William Deane and Thomas Chambers. Petitioners have taken a grant of lotteries at a considerable yearly rent for no less than a term of eleven years, and in pursuance thereof have already beforehand paid into the Exchequer for their Majesties' use a great sum of money, and have likewise been at other great charges, so that if the Bill for prohibiting Lotteries should pass, it would not only be to the great loss and detriment of Petitioners, but also of several poor indigent officers, whose support and maintenance depends upon the same. Pray to be heard by Counsel against the Bill. [Read this day and Petitioners ordered to be heard by Counsel. L. J., XV. 278.]

Annexed:—

(*a*.) 8 March. Petition of the Lady Cary, the Hon. Col. Philip Howard, Sir John Osborn, Knt., the Lady Armestrong, Armestrong and Armestrong, her daughters, Col. Henry Evbank, and several other indigent officers and widows and fatherless children, on the behalf of themselves and others. Divers grants have been made to Petitioners of several particular annuities and sums of money charged on the yearly rent of 4,200*l*. payable to the Crown by the Farmers of the Royal Oak Lottery, some of which grants have been for valuable consideration and others as acts of charity. Pray to be heard by Counsel against the Bill. *Signed* by Philip Howard, John Osborn, Mar. Cary, Hen. Evbank, Edward Ogar, James Vosper, E. Armestrong and Mallet Slingsby. [Read this day and Petitioners ordered to be heard. L. J., XV. 280.]

(*b*.) 8 March. Petition of Colonel John Vaughan. There being due from their present Majesties to Petitioner and tradesmen employed by him on their Majesties' account 3,050*l*., for which he was sued by them in Westminster Hall and they recovered the same against him, and he is forced to pay the same out of his own estate and is now charged therewith, their Majesties, in consideration thereof, by Letters Patent of 21 May last, granted to Chas. Duncombe, Esq., in trust for Petitioner, an annuity or yearly pension of 300*l*. a year out of the rent reserved out of the Royal Oak Lottery. The Bill makes no provision for satisfaction of Petitioner's debt. Prays to be heard by Counsel before it passes. [Read this day and Petitioner ordered to be heard. L. J., XV. 280.]

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* *See* No. **727.**

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728. March 7. E. Huntingdon's Privilege (Beesley).—Affidavit of John Peake, of Loughborow, in the county of Leicester, Yeoman, as to distraint by John Beesley of the cattle belonging to several tenants of the Earl of Huntingdon. *Sworn* 17 Oct. 4 W. & M. before Hugh Bateman. [Read, together with Annex (*a*), this day, and Beesley ordered to attend on the 9th. (MS. Min.; L. J., XV. 278.) No further proceedings.]

Annexed:—

(*a*.) 7 March. Similar Affidavit of Elizabeth Heanes, wife of Thomas Heanes of Loughborow, Wheelwright. States that Beesley, when remonstrated with, replied to Deponent, "You talk nothing. My Lord is in the Tower, and may have his head chopped off, and then where must I have my money?" *Signed* by Deponent, her mark. *Sworn* 17 Oct. 4 W. & M. before Hugh Bateman.

729. March 7. Sea-water Freshening (Walcot's Patent) Bill.—Petition of Robert Fitzgerald, Esq., James Bridgeman, Esq., and others. Petitioners having Letters Patent from King Charles II. for the invention of making Sea water fresh, which Letters Patent are not yet expired, one Mr. Walcott is endeavouring to procure a Bill for the said invention for his own use. Petitioners were served only yesterday with the Order annexed, and have not had time to instruct Counsel, and the Lords Committee have this morning gone through the Bill. Pray to be heard at the Bar before the Bill passes. *Signed* by Rob. Fitzgerald. [Read this day, and Petitioners to be heard in Committee on the Bill. L. J., XV. 278. *See* No. **723** and notes thereto.]

Annexed:—

(*a*.) 6 March. Order of Committee, made this day, appointing tomorrow for the further consideration of the Bill, and directing notice to be given to Col. Fitzgerald and other persons concerned. [Appended to preceding.]

730. March 8. Trade with France Prohibition (Privateers, &c.) Act.—Petition of Thomas Chambers, John Frank and Samuel Lockley, on behalf of themselves and others concerned in privateers. The Bill for continuing the Acts prohibiting all trade and commerce with France, and for the encouragement of privateers, will be very prejudicial to Petitioners and greatly discourage the English privateers. Pray to be heard by Counsel against it. *Signed* by above-named and also by Tho. Doughty, Jno. Clayton, James Durnford, Hugh Reason, Jno. Bateman, Tho. Smith, Hump. Simpson, John Barber, W. Collier, Mich. Fallet, Francis Minshull, James Smith, James Clarke and Samuel Eyre. L. J., XV. 280. [The Bill was brought from the Commons on 6 March, and read 1ª the next day (L. J., XV. 276, 277). In C. W. H. on 9 March, L. Godolphin in the Chair, Counsel were called in. *Sir Bartholomew Shower* (for Petitioners): The Bill provides that, if a ship be taken, it shall be no prize. Now this is worse than before, and this prize comes to the King, and that they may have the advantage of the capture, though in port. If an English ship be retaken, then it shall be restored, paying the salvage. Recaption gives it the title of prize, if it has been 24 hours in the enemies' hands. It gives but half to the privateers of all Owlers and Woollers, and now they have the whole. *Mr. Walter Hochan*[?] (for the Privateers): It is now placed in the Exchequer, which were in the Admiralty, and the Admiralty sits every week, and the Exchequer but in Term time. *Dr. Oldish* [appears]

for the Admiral that his jurisdiction should not be hurt. Though there is no Admiral now, yet there may be. Counsel then withdrew, and the Committee then agreed to the Bill, with amendments, to the end of Sect. xi.—On 11 March the House went again into Committee. *Moved* to call in Sir Charles Hedges as to this point—the two-tenths to the Lord High Admiral.* [House resumed, and *L. Godolphin* reported that the Committee desired the direction of the House whether Sir Charles Hedges shall be heard. *Ordered* that he may attend to be called in, if the Committee think fit. House again in Committee.] The remainder of the Bill was then agreed to. *Moved*, to add a Clause concerning the price of wine. House resumed. Bill reported with amendments, which were amended and agreed to; Bill read 3ª with the amendments and passed and returned to the Commons. (MS. Min.; L. J., XV. 285.)

The Lords' Amendments, which are set out *in extenso* in C. J., X. 849, were to omit the words in square brackets, and to add those in italics, in the following portions of the Act, viz.:—

(1.) Sect. i., Line 8 (Fol. Ed.) . . . shall continue and be in force during the term of three years, *if the present war with France shall so long last*, to be accounted from . . .

(2.) Sect. ii., Line 15 . . . until such time as the same shall be adjudged lawful prize, *except where it shall appear to the Judge of the Admiralty that the goods taken are perishable, in which case the said Judge shall take bail for such goods, in order to the sale thereof, in the same manner † as he might have done before the making of this Act,‡ yet so as to be subject to such distribution as is particularly provided by this Act.*

(3.) Sect. xi., Line 7 . . . to be paid by the [Commissioners for Prizes out of their Majesties' share of Prizes] *Collector of their Majesties' Customs in any port,§ upon due proof made of the same before the Chief Magistrate of the said port.*

(4.) Sect. xii. (added as Clause A)‖:—*Provided always and be* it *enacted that if the* [*Collector of Customs*] Commissioners for Prizes *shall not pay any sum or sums of money*, or give a Bill or Bills *payable* out of the first money that shall come to their hands, *to the persons interessed in private men-of-war for the reward hereby given them of ten pounds a gun by the space of three days after the same ought, by the true intent of this Act, to be paid and demand thereof made, free of all charges, fees and deductions whatsoever,* [*or give a Bill payable upon the Custom House in London for the same*] *in such case the said* [*Collector*] Commissioners *shall be made incapable of any office in their Majesties' service for the future.*

The Commons agreed to Amendment (1) without amendment, and to (2) and (4), with amendments, but disagreed to (3), with Reasons, which were delivered at a Conference on 14 March (L. J., XV. 288. *In extenso*). The Lords finally agreed to the Commons' Amendments of

* The MS. Min. entry that follows in square brackets does not appear in L. J., XV. 285. An order had been made on the 10th to hear Sir Charles Hedges this day. (L. J., XV. 284.)

† The words ("in the same manner") were disagreed to by the Commons (C. J., X. 849) and not insisted on by the Lords.

‡ The remainder of this amendment was added on Report, and was further amended by the Commons by adding ("manner of sale and") after ("subject to such"). (C. J., X. 849.)

§ The amendment in C. W. H. was ("of the port"). The re-amendment was made on Report. (MS. Min. 9 March.)

‖ The Commons' Amendments to this Clause (C. J., X. 849) were to omit the italics in square brackets and to add the words in Roman type.

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their Amendments, and the Bill received the Royal Assent the same day. (*Ib.* 289.) 4 W. & M., c. 25, Fol. Ed.].

731. March 11. Crown Office (King's Bench) Act.—Portion of Commons' Engrossment of a Bill for regulating proceedings in the Crown Office of the Court of King's Bench at Westminster. The parchment, which formed originally the concluding portion—*i.e.* Press 2, line 9, *ad fin.*,—of the Engrossed Bill, as brought from the Commons, from which it has been cut, runs as follows:—

" . . . whereof, Be it enacted by the authority aforesaid, that if any person or persons within the Kingdom of England, Dominion of Wales, or Town of Berwick-upon-Tweed (except in London and Middlesex and other places within ten miles of London), against whom any judgment or judgments is, are or shall be entered in the said Court upon any indictment or indictments, information or informations in cases only fineable, shall find and procure any responsible person or persons on his, her or their behalf to come and appear in the said Court and then and there undertake to pay such fine or fines as the said Court shall think fit to assess and adjudge, that then no such person or persons shall be forced or compelled to appear in person in the said Court in order to be fined for such his or their said offence, nor shall any process be hereafter awarded against him, her or them for that purpose; And if any person or persons now outlawed, or hereafter to be outlawed in the said Court, for any of the causes fineable only as aforesaid, Then in such cases the person or persons so outlawed appearing by him, her or themselves or by such responsible person or persons in the said Court as aforesaid, and undertaking to pay such fine or fines as the said Court in that behalf shall assess and adjudge, shall and may by Attorney reverse such outlawry and outlawries in such manner as he, she or they might have done, if he, she or they had appeared in person before the making of this Act, any law, usage or practice to the contrary in any wise notwithstanding.

" And be it enacted by the authority aforesaid, That any Sheriff who shall retorn any writ of Exigent or proclamation, not having caused proclamation to be duly made as is hereinbefore required, shall forfeit to the party grieved the sum of forty pounds, together with costs of suit, to be recovered by action of debt, bill, plaint or information in any of their Majesties' Courts of Record, wherein there shall be no essoine, protection or wager of law, and no more than one imparlance." *Endorsed:* "Left out as an Amendment* to the Bill for regulating proceedings in the Crown Office, and agreed to by the Commons, 13 March 1692."

Parchment Collection. [The Bill was brought from the Commons 7 March, and read 1ª on the 9th (L. J., XV. 278, 281). It was amended in C. W. H. this day by leaving out the "last clauses" (MS. Min., L. J., XV. 285), and substituting a Clause (Sect. v. of the Act) making the Act continue in force for three years, and from thence to the end of the next Session of Parliament. To these amendments the Commons agreed (C. J., X. 849), and the Bill received the Royal Assent on the 14th (L. J., XV. 289). 4 W. & M. c. 22., Fol. Ed.]

732. March 9. Salwerpe River Navigation Bill.—Commons' Engrossment of an Act for making navigable the River of Salwerpe, in the

* The 10 lines of the Amendment preceding the portion comprised in this parchment, *i.e.* from Press 2, line 46 (C. J., X. 849), appear, under erasure, on the Engrossed Bill, which forms the Act, but are hopelessly undecipherable, with the exception of the first word ("Provided"), and a few other words here and there, which throw no light on the obliterated text.

county of Worcester, and the rivulets and brooks thereto adjoining. The Bill is to the following effect:—

§ i. Whereas by an Act of 13 Car. II., for the making navigable the Rivers of Stower and Salwerpe, and the rivulets and brooks running into the same, in the counties of Worcester and Stafford, power was given to George, E. Bristol, Thomas, L. Windsor and Thomas Smith, Esq., their heirs and assigns, to make the said rivers navigable, and whereas it was proposed that the making navigable the river Salwerpe would be of great advantage to the salt-works in Droitwich, as well as to the public, by importing coals and exporting salt at much cheaper rates than either then or now, and the proprietors of the salt-works were accordingly prevailed upon to allow salt-water, to the value of 2,000*l.*, to the said Undertakers, who expended some moneys, though much less than the sum given, in preparing locks, in order to the navigation, but without proceeding any further, or bringing the same to any perfection, and so it remains to this day; the Bill therefore enacts that the said powers, touching the river Salwerpe only, shall be repealed.

§ ii. It shall be lawful for Charles, E. Shrewsbury and Thomas, L. Coventry, and either of them, their heirs, assigns, &c., to do all things necessary for making navigable the river Salwerpe, at their own costs and charges, and to make use of all the materials remaining in the river, provided by the former Undertakers, without rendering any account for the same in any other manner than is hereafter mentioned.

§ iii. And for that the work of making the river navigable may not prejudice any persons, &c., having any lands or tenements adjoining, the following, viz.: Sir Henry Littleton, Sir John Packington, Sir Walter Kirkham Blount and Sir Francis Russell, Baronets; Sir Rowland Berkley, Sir John Talbot, Sir Thomas Street, Sir Francis Winnington, Sir Thomas Haslewood and Sir John Sommers, Knights; Samuel Sandys, William Bromley, Henry Herbert, Henry Jeffryes, Thomas Foley, Robert Berkeley, Thomas Jolliffe, Francis Sheldon, Henry Townshend, Gerard Danett, Thomas Lowe, John Bearcroft, Edward Bull, Charles Cocks, Thomas Chetle and Thomas Stevens, Esquires; Samuel Hunt, Thomas Hammond, George Atwood, Arthur Bagshaw, Giles Trimnell, Thomas Savage and Henry Toy, Gentlemen; the Right Hon. Richard, Earl of Bellomont, of the Kingdom of Ireland, the Hon. Thomas Coventry, Esq., the Hon. John Gray, Esq., the Hon. William Ward, Esq., Sir Walter Wrotchley, Bart., Sir Henry Goff, Knight, Richard Dowdeswell, Phillip Foley, Edmund Letchmere, Robert Foley, Thomas Foley, jun., Salwa Winnington, Samuel Pitt, William Walsh, Thomas Lench and Thomas Foley, of Stoake, Esquires, are appointed Commissioners, with power to examine witnesses on oath, and to determine by the majority what compensation shall be made (in case the Undertakers under this Act shall not have agreed beforehand with, and satisfied, the parties) for any loss or damage sustained through the undertaking.

§ iv. The said Commissioners are empowered to hear and determine all controversies and questions whatsoever touching the premises, and their determinations shall be binding on all parties concerned, and, after being signed and sealed, shall be taken as good evidence in any Court of Record.

§ v. The said Undertakers, and no others, shall employ barges, boats, lighters and other vessels on the river, etc., and receive all the profits due for the carriage of coals, salt, iron or any other commodities, to be divided and proportioned in such manner and into so many shares as they shall appoint, in consideration of their charges in making and maintaining the river navigable.

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§ vi. Provided that Charles Baldwyn, Esq., and Sir Timothy Baldwyn, Knt., their heirs and assigns, shall retain whatever interest or shares they had under the former Act, and that they, their executors and administrators, shall be paid *pro rata* all charges incurred in making the river Salwerpe navigable, and providing materials for that purpose; and on failure of the Undertakers to assign and confirm to them such interest and shares, and pay to them such charges before 24 June 1694, they, their heirs and assigns, shall enjoy all their interest and claim under the former Act, as if the present Act had never been made.

§ vii. When any of the Commissioners shall die, or otherwise be disabled from acting, or shall signify his wish to retire, the majority of the remaining Commissioners shall elect another in his stead, who shall have equal powers with the rest.

§ viii. And whereas the passage from the river Severn up the river Salwerpe is against the stream, so as all vessels used there must of necessity in some places be pulled, towed, or drawn up by strength of men, lines, ropes, winches, engines or other means convenient for that purpose, it shall be lawful to have and use a foot-path for that purpose on one side only of the river, on giving to the persons, &c., injured thereby, such satisfaction as the Commissioners shall think fit.

§ ix. And for the better maintaining the navigation and the locks, wears, turnpikes, pens for water, cranes, wharves, ways and passages, the Commissioners are required, upon request made to them by the Undertakers, to appoint a time and place for their meeting, giving ten days' previous notice to all persons concerned, and they may adjourn or meet thereafter as they shall see cause; and if the Undertakers or any other person shall refuse, upon due notice given, to appear or to submit to their determinations, they may proceed to hear and determine *ex parte*, and the person grieved by such non-obedience shall recover the matter or thing decreed by action of debt or in the case in any Court of Record to be grounded on this Statute.

§ x. The Undertakers shall defray all the reasonable expenses of the Commissioners in the execution of this Act.

§ xi. The Undertakers shall not begin any of their works on the lands of any person, &c., until a full agreement and satisfaction with the respective lords, owners, or occupiers of the said lands be first had and made by the Commissioners, who shall not give to any person under the rate of 25 years' purchase for lands, or 20 years' purchase for mills taken or destroyed by the Undertakers, the same to be first paid or so secured as the parties therein concerned shall accept, unless in some cases where the lords, owners or occupiers shall refuse to appear before the Commissioners or submit to their decrees, in which cases the Undertakers, after first tendering to such persons so refusing the satisfaction or recompense ordered by the Commissioners, are empowered to commence and carry on their works.

§ xii. The Undertakers shall not do anything to the river or lands adjoining to the damage or prejudice of the salt-springs in the borough of Droitwich.

§ xiii. The Undertakers shall furnish the salt-works in Droitwich and the inhabitants of the borough with coals at not more than 9*s.* 6*d.* per ton, or at a price to be settled by the Commissioners, in case, by reason of the raising of the price at the coal-pits, coals cannot be so afforded at the said borough.

§ xiv. The Undertakers or any other person sued or indicted for anything done in pursuance of this Act, may plead the general issue and give this Act in evidence.

§ xv. The Commissioners shall, before acting, take a prescribed oath before two Justices of the Peace of the county of Worcester, to execute their powers without favour or affection, on pain of forfeiting 20*l.*, half to go to the Crown and half to the person suing.

§ xvi. Anything done in pursuance of their powers by any eleven or more of the Commissioners shall be good, valid and effectual.

§ xvii. No person shall act as a Commissioner, who is an Undertaker or sharer in the navigation. The names of all persons having any share or interest in it shall be entered in a register, to be kept by a person appointed by the Commissioners, and open to inspection *gratis* by all persons concerned, and any person having such share or interest, upon the reasonable request of the owner of any lands or mills adjoining the river, shall within 40 days after such request made, procure a meeting of the Commissioners, in order to make an allowance for any damage done, and in case the person so interested shall neglect or refuse to procure a meeting, the said owners may stop and detain all vessels on the river, together with the goods on board them, until such satisfaction shall be made.

Parchment Collection. [Brought from the Commons this day, and read 1ª on the 11th (L. J., XV. 282, 284). In Committee on 13 March, L. Chandos in the chair, Sir Timothy Baldwyn's Petition (No. **732**) being read, the Parties were called in. The Proviso in the Bill for saving Sir Timothy's and Mr. Baldwyn's rights is read. *Sir Thomas Powys* (for Petitioners): The clause does not indemnify them from suits. This makes us accountants to the new Undertakers, and they may proceed before they pay us *pro rata*. *Mr. Harrington:* This devests an inheritance out of the Petitioners. *Mr. Harris* (for the Bill): Mr. Baldwyn's Counsel drew the Proviso, and Mr. Parker, the Solicitor, consented to it. *Mr. Parker* says he had no power to consent, and never consented otherwise than that he said he would not oppose it. Mr. Baldwyn wrote to him not to consent to anything.—On 14 March, E. Stamford in the chair, the Bill was agreed to as far as Press 6, Line 4 (Com. Book). Nothing further recorded. The Bill, accordingly, dropped in Committee with the Session.]

733. March 13. Salwerpe River Navigation Bill.—Petition of Sir Timothy Baldwyn, Knt., and Charles Baldwyn, Esq., son, heir and executor of Sir Samuel Baldwyn, Knt., deceased. Since the Act of Car. II., giving powers to George, E. Bristol, Thomas, L. Windsor and Thomas Smith, their heirs and assigns, to make navigable the Rivers Stower and Salwerpe, the Petitioners, Sir Timothy and Sir Samuel Baldwyn purchased from E. Bristol all his rights in the rivers for 1,450*l.* Sir Samuel also purchased some part of Smith's rights, and several other persons purchased the rest. Petitioners since then have expended about 4,000*l.*, besides several thousand pounds laid out by others, and more would have been laid out had the late Earl of Plymouth not died. The Bill, which was brought into the House of Commons in the names of E. Shrewsbury and L. Coventry (who are only nominal trustees for others) tends to make void the former Act as regards the river Salwerpe, and to take away Petitioners' rights and also all the materials in the river without any account or satisfaction. The Proviso added in Committee of the Commons, on the Petition of Charles Baldwyn, is not sufficient to protect Petitioners, but leaves them in a worse condition than before, and may expose them to many suits. Petitioners and the present E. Plymouth, who is an infant, are not the only persons concerned in the river Salwerpe. Pray to be heard by

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Counsel before the Bill pass. [Read this day and referred to the Committee on the Bill (L. J., XV. 286). *See* No. **733.**

734. March 14. L. Abergavenny's Privilege.—Petition of George, Lord Bergavenny. On the 13th inst., about 6 a.m., one Joseph Godlington, pretending to be a constable and accompanied by one Yates, Dun, St. Leger and others unknown to him, came in a riotous manner to his house, and threatening to break open the doors under pretence of searching for highwaymen, without any legal warrant, rushed into Petitioner's chamber, who was then in bed and asleep, to the great dishonour and scandal of Petitioner and against his known privilege as a Peer. Prays that Godlington and the others may be ordered to appear. *Signed* Bergavenny. [Read this day and rejected. (L. J., XV. 288.) The MS. Min. add that witnesses were examined this day on the Petition. *John Coales:* Yesterday about 6 o'clock came a man to my master's house,—Mr. Smith's, an upholsterer's house. My Lord hires the whole house but the shop, and they said they came to search for a highwayman. The man they enquired for had not been there for two or three weeks. I saw Frank East in my Lord's house; he used to come thither. I told him "The man you speak of has not been here three weeks." They told me they must search the house. *Dominick Burke:* He asked for Frank East. I told him he had not been here for three weeks, and then there came three or four more. The constable desired me to acquaint my Lord with it. I went to see if my Lord was awake, and the constable and all came into the chamber. I am my Lord's servant. (MS. Min.)]

735. March 14. Triennial Parliaments Bill.—Lords' Engrossment (as amended on third reading and afterwards by the Commons) of an Act for the frequent calling and meeting of Parliaments. *Marked* "Le Roy et le (*sic*) Reyne se avisarunt." *Parchment Collection.* [Royal Assent refused this day. (L. J., XV. 289). For the contents of this Engrossment *see* No. **660.** Annex (*a*) and notes thereto.*]

Annexed:—

(*a.*) 10 Feb. Commons' Amendments to the Bill. [Agreed to by the Lords this day. (L. J., XV. 223). *See* notes to No. **660.** Annex (*a*).]

736. March 14. King's Speech.—His Majesty's Speech on proroguing Parliament this day. L. J., XV. 290. *In extenso.*

737. May 2. Prorogation.—Commission for further proroguing Parliament to 19 Sept. next. *Dated* this day. *Parchment Collection.* L. J., XV. 291. *In extenso.*

738. Sept. 19. Prorogation.—Commission for further proroguing Parliament to 3 Oct. next. *Dated* this day. *Parchment Collection.* L. J., XV. 292. *In extenso.*

739. Oct 3. Prorogation.—Commission for further proroguing Parliament to 26 Oct. inst. *Dated* this day. *Parchment Collection.* L. J., XV. 293. *In extenso.*

740. Oct. 26. Prorogation.—Commission for further proroguing Parliament to 7 Nov. next. *Dated* 24 Oct. *Parchment Collection.* L. J., XV. 294. *In extenso.*

* This Engrossment is *verbatim* the same as the Bill introduced in the Lords on 1 Dec. 1693, except as to the date for the determination of the existing Parliament. *Comp.* 6 & 7 W. & M. c. 2., Fol. Ed.

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